CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
SEPTEMBER 16, 2008, 6:00 P.M.

Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:

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

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

PROCLAMATIONS
Filipino-American Cultural Week – September 27 – October 4, 2008

PRESENTATIONS
Employee Service Awards
Introduction of New City Employees
City Manager’s Featured Project

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

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

1. City Council Minutes of September 2, 2008

2. Transit Claim – Kevin Swaney
   Re: Considering rejection of a claim in an amount of $155 for damage to the front windshield of claimant’s vehicle that allegedly occurred when a rock or debris thrown up by a passing Porterville Transit bus struck his vehicle while he was driving on Worth Dr. on August 26, 2008.

3. Claim – Teresa Carranza
   Re: Considering rejection of a claim in an amount of $2,867.85 for property damage to the front door of claimant’s residence at 719 Oakmont that allegedly occurred when Porterville Police Officers forced entry on June 18, 2008 while executing a search warrant.

4. Claim – Joseph Wittman
   Re: Considering rejection of a claim for $1,500 for fire damage to claimant’s vehicle that he alleges occurred when the Porterville Fire Department failed to respond timely to extinguish his burning vehicle on Hockett Street in the proximity of Fire Station No. 1 on July 4, 2008.

5. Award of Contract – Roche Sewer Project – Morton Avenue (Roche School to Henrahan Street)
   Re: Awarding contract to 99 Pipeline, Inc. of Lindsay in the amount of $38,965.00 for the project consisting of the installation of sewer piping, manholes and related appurtenances along the north side of Morton Avenue from Roche School to Henrahan Street.

6. Award of Contract – Newcomb Street Trench Patch & Concrete Replacement Project (Westfield Avenue to San Lucia Lane)
   Re: Awarding contract to 99 Pipeline, Inc. of Lindsay in the amount of $39,649.50 for the project located along the east side of Newcomb Street from Westfield Ave. to approximately 250 ft. south of San Lucia Lane.

7. Acceptance of Project – Granite Hills Micro Seal
   Re: Accepting project as complete from Valley Slurry Seal, and authorizing the filing of the Notice of Completion for the project completed in the area near Granite Hills High School.

8. Acceptance of Project – Morton Avenue Chip Seal
   Re: Accepting project as complete from Central Valley Asphalt, and authorizing the filing of the Notice of Completion for the project completed on Morton Avenue from Leggett Street to Plano Street.

9. Acceptance of Final Subdivision Map – Garden Court Villas (Greg Woodard)
   Re: Accepting final map from G W Homes for Garden Court Villas Subdivision located generally south of Olive Avenue, north of forest Avenue, between Mathew and Newcomb Streets.
10. **Calling a Public Hearing to Set Rental Rates for City Owned Hangars at the Porterville Airport**
   Re: Setting a public hearing for October 21, 2008 to consider setting fees for the rental of hangars at the Porterville Municipal Airport.

11. **Authorization to Extend Contract with Southern California Gas Company for a Temporary CNG Fueling Station**
   Re: Authorizing staff to negotiate a minimum 6 month lease agreement with Southern California Gas Company for a mobile Compressed Natural Gas (CNG) compressor until completion of the permanent CNG facility.

12. **Urban Boundaries Amendment Update**
   Re: A status report on efforts to date in updating the City’s Urban Area Boundary, Urban Development Boundary, and Sphere of Influence.

13. **Consider Approval of a Permanent Memorial to be Installed in Veterans Park**
   Re: Considering approval of a request from the Porterville Emblem Club #82 to allow the installation of a permanent bronze memorial in Veterans Park to honor all the fallen soldiers of the community.

14. **Approval of Community Civic Event – Filipino-American Association of California – Filipino-American Week, September 27 & 28, 2008**
   Re: Considering approval of an event to be held on Saturday and Sunday, September 27 and 28, 2008 at Veteran’s Park (Henderson side), from 7:00 a.m. to 9:00 p.m.

15. **Approval of Community Civic Event – Exchange Club of Porterville – Rock, Paper, Scissors Contest**
   Re: Considering approval of an event to be held on Saturday, September 27, 2008, from 9:00 a.m. to 1:00 p.m. on Cleveland Avenue from Main Street to Second Street.

16. **Renewal of Personnel Examining Services Agreement Between the City of Porterville and Cooperative Personnel Services**
   Re: Considering approval of a resolution authorizing the renewal of the Test Security Agreement with Cooperative Personnel Services for personnel examining services.

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

**PUBLIC HEARINGS**

17. **Meadow Breeze, Phase 3 Tentative Subdivision Map (Smee Builders)**
   Re: Considering approving Meadow Breeze Phase 3 Tentative Subdivision Map to divide 2.86± acre vacant site, zoned R-1, into 14 lots to be developed in one phase for the site generally located on Castle Avenue between Mathew Street and Salisbury Street.

18. **Request to Amend Fee Schedule to Establish Fees for Service for 300 Foot Radius Maps and Labels for Noticing of Public Hearings**
   Re: Considering the approval of a resolution adopting a $26.50 service fee for providing 300 foot mailing labels and maps for all permit applications that require public noticing.
19. **Hillside Development Ordinance**  
Re: Considering approval of a Hillside Development Ordinance to facilitate the orderly development of properties within the incorporated boundaries of the City and within areas of the official sphere of influence that are designated as “hillside development zones” on the General Plan Land Use Diagram.

**SCHEDULED MATTERS**

20. **Relocation of The Mint Card Room**  
Re: Considering the issuance of a Card Room License to Jim Podergois, who is seeking approval to move his card room operation to 35 E. Garden in Porterville.

21. **Kings/Tulare Continuum of Care on Homelessness Request for Funding 10 Year Plan**  
Re: Considering approval of an expenditure of $5,000 in CDBG Administrative funds to the Kings/Tulare Continuum of Care on Homelessness to assist in the preparation of a 10-year Plan to End Homelessness.

22. **Consider Playground Barrier for Veterans Park**  
Re: Considering approval of the installation of 220 feet or more of 3-foot high, heavy gauge galvanized chain-link playground barrier fence at Veteran’s Park.

23. **Report on Council 2008 Priority Projects and Setting Date for Meeting to Establish 2009 Priorities**  
Re: A review and discussion of the Priority Projects of 2008, and consideration of the methodology for establishing 2009 priorities.

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

**PORTERVILLE REDEVELOPMENT AGENCY**

Roll Call: Members/Chairman

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**REDEVELOPMENT SCHEDULED MATTER**

PRA-1. **Award of Contract – Hockett/Mill Parking Lot Reconstruction**  
Re: Awarding contract to JWT General Engineering, Inc. of Clovis in the amount of $372,489.20 for the reconstruction of the City parking lot located at Hockett and Mill.

Adjourn the Porterville Redevelopment Agency Meeting to a meeting of the Porterville Public Improvement Corporation.

**PORTERVILLE PUBLIC IMPROVEMENT CORPORATION**

Roll Call: Directors/President

**WRITTEN COMMUNICATIONS**
ORAL COMMUNICATIONS

PUBLIC IMPROVEMENT SCHEDULED MATTER
PIC-1. Annual Meeting of the Porterville Public Improvement Corporation
Re: Approval of a resolution approving the election of officers in accordance with Article III, Section 2 of the Bylaws of the Corporation.

Adjourn the Porterville Public Improvement Corporation Meeting to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of October 7, 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.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
CITY MANAGER'S FEATURED PROJECTS
FOR SEPTEMBER 2008

1. Effluent Pipeline and Land Leveling of Hunsaker and Underhill Property

2. Citywide Identification Card System
Call to Order at 6:00 p.m.
Roll Call:  Vice-Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Vice-Mayor Pete V. McCracken
Invocation – One individual participated.

PROCLAMATIONS
Silver Star Banner Day – May 1, 2009 (The proclamation was postponed to October 2008.)

PRESENTATIONS
Employee of the Month – Donnie Moore
Recognition of City Firefighters

ORAL COMMUNICATIONS
• James Terry Sinyard, 545 W. Blue Oak Ave., expressed concern with traffic patterns at Jaye Street and Poplar Avenue; inquired about the status of the roundabout; and requested that the plans be made available to the public.
• Ronald Martin, 265 W. Willow, spoke in opposition of Item No. 17; stated that the City government should not take a stance on the issue; and requested that the request be withdrawn.
• Dick Eckhoff, 197 N. Main, commented on severance pay, physical health, and laptops relative to Item 15; stated that he hoped there was justifiable reasoning behind Items 16 and 17; and questioned whether Proposition 8 approval or disapproval had anything to do with running the City.
• CeCe Townsend, 6243 Hwy 190, Springville, spoke in favor of Proposition 8, and encouraged the Council to abide by the City’s motto, “In God We Trust”.
• Nicki Edwards, 13096 Rd. 208, spoke in favor of discontinuing service agreement with Lindsay Animal Control (LAC); spoke of poor practices and recent rescue efforts; and encouraged the City to provide its own animal controls services.
• Chris Farrell, 35811 Rio Vista, Springville, spoke in favor of the Council supporting Proposition 8.
• Greg Nichols, 174 N. Villa, spoke about unpleasant experiences with adoption and pick-up services at Lindsay Animal Control.
• Rodney Martin, 146 S. Villa, encouraged the Council to consider passing a resolution regarding the crisis in the state of marriage; spoke of the high divorce rate amongst heterosexual marriages; and stated that the crisis existed far beyond the ballot measure issue.
• Angela Vera, 32367 Appaloosa, Springville, spoke of a positive experience with the Tulare Animal Shelter.
• Mark Pitcher, 2522 W. Cricklewood Court, spoke in favor of a resolution in support of Proposition 8; applauded the Council for taking a stance; and stressed the importance of strengthening families.
• Josef Guerrero, 332 S. “F” Street, stated that Proposition 8 impedes on people’s rights, and asked that the Council, as a governing body, not take a stance.
• Yvette Ward, 1652 W. Belleview Ave., spoke in favor of Proposition 8; stated that it was an issue of religious freedom; spoke of consequences if Proposition 8 were not to pass; and urged Council to support the resolution.
• John Eby, 1557 E. Olive Ave., spoke of the importance of the separation of Church and State; and encouraged the Council to use secular reasoning in their consideration of the item.

**CONSENT CALENDAR**

Item Nos. 3, 8 and 10 were pulled for further discussion.

1. **CITY COUNCIL MINUTES OF AUGUST 5, 2008.**

   Recommendation: That the City Council accept the Minutes of August 5, 2008.

   Documentation: M.O. 01-090208
   Disposition: Approved

2. **CLAIM – LISA MARTIN, STACEY MARTIN, AND NICK AVILA, JR.**

   Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

   Documentation: M.O. 02-090208
   Disposition: Approved
4. CONSOLIDATED WASTE MANAGEMENT AUTHORITY MEMBERSHIP AGREEMENT PAYMENT

Recommendation: That the City Council authorize issuance of checks to CWMA for the following:
   1. Payment of $52,604 for the City’s membership contribution; and
   2. Forward $13,502 for the City’s portion of CWMA’s awarded funds received from California Department of Conservation.

Documentation: M.O. 03-090208
Disposition: Approved

5. ACCEPTANCE OF PROJECT – EFFLUENT PIPELINE & LAND LEVELING

Recommendation: That the City Council:
   1. Accept the project as complete;
   2. Authorize the filing of the Notice of Completion; and
   3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 04-090208
Disposition: Approved

6. ACCEPTANCE OF PROJECT – WEST STREET INDUSTRIAL PARK

Recommendation: That City Council:
   1. Accept the West Street Industrial Park Project as complete;
   2. Authorize the filing of the Notice of Completion; and
   3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 05-090208
Disposition: Approved

7. ACCEPTANCE OF FINAL SUBDIVISION MAP – SUNRISE VILLA, PHASE TWO & THREE (GARY SMEE)

Recommendation: That City Council:
   1. Approve the final map of Sunrise Villa, Phase Two & Three Subdivision;
   2. Accept all offers of dedication shown on the final map; and
   3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 06-090208
Disposition: Approved
3. NEW PUBLIC SAFETY FACILITY PROJECT UPDATE


Disposition: No action required.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT AND ADVERTISE FOR BIDS - MURRY PARK RESTROOM PROJECT

Recommendation: That the City Council:

1. Authorize re-appropriation of unallocated carryover funds in the amount of $70,000 to cover the increased costs necessary to replace the existing Murry Park restroom in kind with architectural features;
2. Authorize staff to negotiate a contract with CXT, Inc. through the California Multiple Award Schedule (CMAS) to purchase the pre-manufactured restroom building;
3. Authorize the City Purchasing Agent to authorize the purchase order;
4. Approve staff’s recommended plans and project manual;
5. Authorize staff to advertise for bids for the Murry Park Restroom Site Improvements; and
6. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Deputy City Manager John Lollis introduced the item. At Council’s request no staff report was presented.

Council Member Ward expressed his concern with the price of the 8-stall unit, and indicated that he would prefer the approval of the 6-stall unit. Parks and Leisure Services Director Jim Perrine addressed questions from Council about the carryover funds, style of the units, and future plans for additional restroom units in the park.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Hamilton that the City Council approve the replacement of the existing Murry Park restroom with the 6-stall restroom in lieu of the 8-stall option; authorize staff to negotiate a contract with CXT, Inc. through the California Multiple Award Schedule (CMAS) to purchase the pre-manufactured restroom building; authorize the City Purchasing Agent to authorize the purchase order; approve staff’s recommended plans and project manual; authorize staff to advertise for bids for the Murry Park Restroom Site Improvements; and authorize staff to make payments up to 100% upon satisfactory completion of the work.

AYES: Ward
NOES: McCracken, P. Martinez, F. Martinez, Hamilton
ABSTAIN: None
ABSENT: None
Disposition:   Denied

COUNCIL ACTION:   MOVED by Council Member Felipe Martinez, SECONDED by Council Member McCracken that the City Council authorize re-appropriation of unallocated carryover funds in the amount of $70,000 to cover the increased costs necessary to replace the existing Murry Park restroom in kind with architectural features; authorize staff to negotiate a contract with CXT, Inc. through the California Multiple Award Schedule (CMAS) to purchase the pre-manufactured restroom building; authorize the City Purchasing Agent to authorize the purchase order; approve staff’s recommended plans and project manual; authorize staff to advertise for bids for the Murry Park Restroom Site Improvements; and authorize staff to make payments up to 100% upon satisfactory completion of the work.

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

Disposition:   Approved

8. GOLF COURSE STATUS REPORT

Recommendation:   That the City Council:
1. Request the audit report for Fiscal year 2007/2008 provide specific reference to the golf course enterprise; and
2. Provide direction for the use of any remaining carryover from the driving range irrigation project.

Deputy City Manager Lollis introduced the item. At Council’s request no staff report was presented. Parks and Leisure Services Director Perrine provided options to the Council for use of the carryover funds.

COUNCIL ACTION:   MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council request the audit report for Fiscal year 2007/2008 provide specific reference to the golf course enterprise; and approve the purchase of the mower implement attachments for care of the driving range at a cost of $2,836. The motion carried unanimously.

Disposition:   Approved

10. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – AMENDMENT NO. 7

Recommendation:   That the City Council adopt the draft resolution approving the revised City of Porterville Conflict of Interest Code.
Deputy City Manager Lollis introduced the item. At Council’s request, no staff report was presented. City Attorney Julia Lew noted the following changes to the Code:

1. “Section 8. Prohibition on Receipt of Gifts of $250 or More” to be changed to “Section 8. Prohibition on Receipt of Gifts in Accordance with Government Code Section 89503”
2. The body should then read, “No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than two hundred fifty dollars ($250) in a calendar year from any single source, as adjusted annually pursuant to Section 89503(f).”
3. Section 9, Subsection E should read, “Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars ($250) or more in value (as adjusted annually by State law) provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.”

COUNCIL ACTION:
Resolution 81-2008
MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council adopt the resolution approving the revised City of Porterville Conflict of Interest Code, as amended to include revised wording of Sections 8 and 9 of the Code as noted by the City Attorney. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS
11. HILLSIDE DEVELOPMENT ORDINANCE

This item was continued to the September 16, 2008 City Council meeting.

Disposition: No action taken.

The Council recessed for ten minutes at 7:57 p.m.

SCHEDULED MATTERS
12. REQUEST TO ESTABLISH AN “AREA OF INTEREST” FOR THE PROPERTIES LOCATED ALONG BOTH SIDES OF STATE HIGHWAY 65 BETWEEN AVENUE 196 AND AVENUE 182, AND ROAD 224 AND ORANGEBELT DRIVE

Recommendation: That the City Council establish an “Area of Interest” by adopting the draft resolution.

Deputy City Manager Lollis introduced the item, and City Planner Ben Kimball presented the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council adopt the draft resolution establishing an “Area of Interest” for the properties located along both sides of State Highway 65 between Avenue 196 and Avenue 182, and road 224 and Orangebelt Drive. The motion carried unanimously.

Disposition: Approved

13. OPTIONS FOR ANIMAL CONTROL SERVICES

Recommendation: Review and consider the options related to animal control services in the community and give direction relative to the issue.

Deputy City Manager introduced the item, and Police Captain Silver Rodriguez presented the staff report, which included the following options for Council consideration.

1. Porterville provides own animal control function and rents space/pens at Lindsay Animal Control (LAC) for sheltering. 
   COST: $277,500

2. Porterville contracts with Valley Oak SPCA for sheltering and care of animals. Porterville would have to provide animal control services and transportation. 
   COST: $213,500

3. Porterville establishes animal control function and constructs shelter facility for the operation. This unit of the city would perform enforcement, licensing, redemption and adoption of animals picked up in the city. 
   COST: $215,000

A discussion ensued regarding the options available. Council then directed staff to further research Option 3 and bring back the item for Council consideration in a month’s time. Staff was asked to look into the possibility of a joint powers agreement with other local cities; use of Measure H funds; grant funding; and the use of volunteers relative to Option 3.

Disposition: Staff direction given.

14. CONSIDER LIBRARY BOARD OF TRUSTEES APPOINTMENT OR RECRUITMENT

Recommendation: That the City Council appoint an individual to the Library Board of Trustees for a term to expire in October 2011 from the list of current ‘Requests for Appointment’.

Deputy City Manager Lollis introduced the item, and Parks and Leisure Services Director Perrine presented the staff report.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council appoint Jose Moreno to the Library Board of Trustees for a second term to expire in October 2011. The motion carried unanimously.

Disposition: Approved

15. EMPLOYMENT AGREEMENT – CITY MANAGER

Recommendation: That the Council consider approval of the Employment Agreement.

Deputy City Manager Lollis introduced the item, and City Attorney Julia Lew presented the staff report.

The Council members spoke briefly about their selection for City Manager, and lauded the abilities of Mr. Lollis.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the Employment Agreement. The motion carried unanimously.

Disposition: Approved

16. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF INCLUSION OF COUNCIL MEMBERS, BOARD MEMBERS AND COMMISSIONERS IN CITY’S DRUG TESTING PROGRAM

Recommendation: That the Council provide direction to staff.

Deputy City Manager Lollis introduced the item. Council Member Pedro Martinez briefly explained his reason for requesting the item be added to the agenda. City Attorney Lew indicated that the drug testing program would have to be voluntary. Staff was directed to provide information regarding a voluntary program for consideration at a future City Council meeting.

Disposition: Staff direction given.

17. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF RESOLUTION IN SUPPORT OF PROPOSITION 8

Recommendation: That the Council provide direction to staff.

Deputy City Manager Lollis introduced the item. Council Member Ward indicated that he had requested the item, and spoke in support of Proposition 8. Mayor Hamilton indicated that he supported the resolution and would like the Council to challenge the County government and incorporated cities to support Proposition 8 by resolution. Council Member Felipe Martinez spoke
in favor of the resolution. Vice-Mayor McCracken expressed his concern with passing a resolution in support, and indicated that he would be more comfortable with a proclamation or letter of support. Council Member Martinez spoke in support of Proposition 8.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve the draft Resolution 83-2008 resolution in support of Proposition 8. The motion carried unanimously.

Disposition: Approved

18. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF INSTALLATION OF MISTER SYSTEMS IN CITY PARK PAVILIONS

Deputy City Manager Lollis introduced the item, and Council Member Felipe Martinez indicated that he had requested the item.

A brief discussion ensued, during which it was indicated that the mister installation would be part of the bid package for the three pavillions that have yet to be built, and be part of the infrastructure.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the installation of three mister systems as part of pavilion replacement projects. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS

- Terry Quinn, 734 W. Putnam, spoke of animal control services issue; and inquired about dog license renewal.
- Nikki Edwards, address on record, expressed her happiness with Council’s direction regarding animal control services.
- John Eby, address on record, spoke about the Hillside Development Ordinance; inquired about the status of the Eastside Parkway; and asked that Council consider providing a bike & pedestrian pathway from the end of Putnam to Connor for Granite Hills High School students.
- Dennis Townsend, 633 N. Westwood, spoke in favor of Council’s action on Item No. 17.
- Dick Eckhoff, address on record, posed questions regarding Item 18; and spoke favorably of the Council’s action on Item 15.

OTHER MATTERS

- Council Member Pedro Martinez spoke of the Fairfield Council Member who was shot, and requested that a bereavement letter be sent to the family.
- Council Member Felipe Martinez requested that staff look into a gutter problem near Granite Hills.
- Council Member Ward thanked those in attendance for exercising their First Amendment rights.
ADJOURNMENT

The meeting adjourned at 9:04 p.m. to the meeting of September 16, 2008 at 6:00 p.m.

___________________________
Luisa Herrera, Deputy City Clerk

SEAL

___________________________
Cameron Hamilton, Mayor
SUBJECT: TRANSIT CLAIM – KEVIN SWANEY
SOURCE: ADMINISTRATION

COMMENT: Mr. Kevin Swaney has filed a claim against the City in an amount of $155 for property damage. Claimant alleges that the front windshield of his vehicle was damaged when a rock or debris thrown up by a passing Porterville Transit Bus struck his vehicle while he was driving on Worth Drive on August 26, 2008.

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. 2
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Kevin Swaney
Claimant's Address: 1856 E Roby Porterville Ca. 93257

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

Date of incident/accident: 8-26-08 12:50 PM
Date injuries, damages, or losses were discovered: 8-26-08 12:50 PM
Location of incident or accident: Worth Dr. Porterville Ca.

What did entity or employee do to cause this loss, damage, or injury? Bus traveling west I was traveling east when we passed one another rock or debris struck windshield

What are the names of the entity's employees who caused this injury, damage, or loss (if known): Porterville Transit Route #4

What specific injuries, damages, or losses did claimant receive? Rock or debris caused crack + pit to left side of windshield

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)].
$ 155.00

How was this amount calculated (please itemize): Chads Auto Glass 361-2312
Replace Windshield including Labor $155 94 Chevy Half Ton Pickup

Date Signed: 8-27-08 Signature: Kevin Swaney

If signed by representative:
Representative's Name
Telephone:
Address e #
Relationship to Claimant
SUBJECT: CLAIM – TERESA CARRANZA

SOURCE: ADMINISTRATION

COMMENT: Ms. Teresa Carranza has filed a claim against the City in an amount of $2,867.85 for property damage. Claimant alleges that Porterville Police Officers damaged the front door to her residence at 719 Oakmont when they forced entry on June 18, 2008 while executing a search warrant.

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

Claimant's Name: Teresa Carranza DOB: __________
Claimant's Address: 719 Oakmont Porterville, Ca 93257
Claimant's Telephone No. (Home) 791-9479 (Work) 992-8800 Ext 6746

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

Date of incident/accident: June 19, 2008
Date injuries, damages, or losses were discovered: Same day
Location of incident or accident: 719 Oakmont Porterville, Ca

What did entity or employee do to cause this loss, damage, or injury? Kick The the door open by force

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

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

PP Department

What specific injuries, damages, or losses did claimant receive? Door damaged beyond repair also frame of door damaged

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

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)].

$867.85

How was this amount calculated (please itemize): By getting an estimate at home Depot

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

Date Signed: 7-30-08 Signature: Teresa Carranza

If signed by representative:
Representative's Name __________________________ Telephone: __________________________
Address: __________________________

Relationship to Claimant: SELF
**CUSTOMER PICKUP (Continued)**

**REF #W02**  **SKU #515-664**  Customer Pickup / Will Call

**S.O. MERCHANDISE TO BE PICKED UP:**  **S/O ADVANTAGE MILLWORK C**  **REF #S01**  **ESTIMATED ARRIVAL DATE:**

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<th>UM</th>
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<td>1.00</td>
<td>EA</td>
<td>CC6451 (CONTINUED) (CONTINUED) INISH = OIL RUBBED BRONZE DOOR CAMING = PATINA IRON FINISH = MEDIUM JAMB SIZE = 4 9/16&quot; JAMB TYPE = STAIN GRADE MAHOGANY JAMB FINISH = MEDIUM INTERIOR CASING = NO HINGE TYPE = BALL BEARING HINGE FINISH = OIL RUBBED BRONZE SILL = BRONZE BUMPER S</td>
<td>Y</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>S0104</td>
<td>780-810</td>
<td>1.00</td>
<td>EA</td>
<td>CC6451 (CONTINUED) (CONTINUED) 80810 / S/O LEGACY COLLECTION BASE LOCKADDER</td>
<td>Y</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>S0105</td>
<td>780-810</td>
<td>1.00</td>
<td>EA</td>
<td>NA /LOCKADDER /*ATT TO (#1) *LOCK ADDER</td>
<td>Y</td>
<td>$845.00</td>
<td>$845.00</td>
</tr>
</tbody>
</table>

**VENDOR - SPECIAL INSTRUCTIONS:** 1.03:

**SCHEDULED PICKUP DATE:** Will be scheduled upon arrival of all S/O Merchandise

**MERCHANDISE TOTAL:** $2,310.00

**TOTAL CHARGES OF ALL MERCHANDISE & SERVICES**

**ORDER TOTAL** $2,310.00
**SALES TAX** $190.58
**TOTAL** $2,500.58
**BALANCE DUE** $2,500.58

**END OF ORDER No. 1080-67404**

**TERMS AND CONDITIONS**

**WILL CALL**

Will Call items will be held in the store for 7 days only. For Will Call merchandise, go to the Will Call/Service Desk area (Pro Customers, proceed to the Pro Desk).

**Returns**

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

Store 1080 PORTERVILLE
750 S JAYE ST
PORTERVILLE, CA 93257

Phone: (559) 782-4611
Salesperson: RCX98M
Reviewer:

<table>
<thead>
<tr>
<th>Name</th>
<th>CARRANZA</th>
<th>TERESA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>719 OAKMONT AVE</td>
<td>()</td>
</tr>
<tr>
<td>City</td>
<td>PORTERVILLE</td>
<td>()</td>
</tr>
<tr>
<td>State</td>
<td>CA</td>
<td>93257</td>
</tr>
<tr>
<td>Zip</td>
<td>93257</td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>TULARE</td>
<td></td>
</tr>
</tbody>
</table>

**SALES ORDER**

**MERCHANDISE AND SERVICE SUMMARY**

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

<table>
<thead>
<tr>
<th>REF #</th>
<th>SKU</th>
<th>QTY</th>
<th>UM</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>S0101</td>
<td>780-810</td>
<td>1.00</td>
<td>EA</td>
<td>CC6451: 32&quot; X 80&quot;, PRODUCT CATEGORY = ENTRY DOORS, MANUFACTURER = LEGACY, TYPE = ENTRY/EXTERIOR, MATERIAL = WOOD, MATERIAL TYPE = MAHOGANY, CONFIGURATION = SINGLE DOOR, PRODUCT STYLE = 34 OVAL GLASS, STYLE = CONCORD, MODEL = CC6451, HANDING = RIGHT</td>
</tr>
<tr>
<td>S0102</td>
<td>780-810</td>
<td>1.00</td>
<td>EA</td>
<td>WING BRICKMOULD = YES (UNATTACHED), SLAB WIDTH = 32&quot; SLAB HEIGHT = 80&quot; TOTAL UNIT WIDTH = 33 3/4&quot; TOTAL UNIT HEIGHT = 80 1/2&quot; ROUGH OPENING WIDTH = 34 1/4&quot; ROUGH OPENING HEIGHT = 81&quot; MULTI-POINT LOCKING SYSTEM = TUSCANY MEDICI MULTIPLE POINT</td>
</tr>
</tbody>
</table>

**NOT VALID FOR MERCHANDISE CARRY-OUT**

---

Page 1 of 2

No. 1080-67404

2008-07-24 16:53
Prices Valid Thru: 07/25/2008
STORE: 1080 PORTERVILLE
LATER SKU: 140-762 EXTERIOR DOORS (NATIONAL)
DEPT: 30 MILLWORK
FURNISH & INSTALL? NO
TOTAL LABOR MINIMUM RETAIL: $0.00
CHARGE TAX ON MERCHANDISE? YES
CHARGE TAX ON INSTALLATION? NO
MEASUREMENT REQUIRED? YES
REQUIRED DOWNPAYMENT (CONFIRMS MEASURE) $50.00
INSTALLER PICK-UP AND DELIVERY AVAILABLE? YES
INSTALLER PICK-UP AND DELIVERY RETAIL $50.00

Labor Scope - Basic Installation:

... remove existing door unit
... install new slab or pre-hung exterior door unit
... installer to provide necessary fasteners, shims and caulking
... install lockset, deadbolt and/or handleset (customer provides) note: some hardware cannot be install on specific doors or steel door units
... adjust door to ensure proper operation
... install new interior casing and exterior trim/brickmold (customer provides)
... include non-colored stucco patch up to 8" from jamb, when applicable
... jobsite clean-up and inspection of finished job with customer

... jobsite clean-up and inspection of finished job with customer

Retail: SEE PRICE LIST BELOW

Retail price list for basic installation per EACH:
PREHING DOOR (UP TO 36" X 96") $367.00
SINGLE SLAB (UP TO 36" X 96") $367.00
PREHING DOOR (UP TO 72" X 80") $487.00

Merchandise Needed for Basic Installation:
_________ EXTERIOR DOOR
_________ STORM DOOR
_________ T-ASTRAGAL KIT, IF NEEDED FOR DOUBLE DOORS
_________ INTERIOR CASING AND BRICK MOULD/EXTERIOR TRIM
_________ HARDWARE
_________ PAINT OR STAIN, IF NEEDED (TO BE APPLIED BY CUSTOMER)

Labor Scope - Optional Work Tasks:

1. ... install additional new pre-hung door unit up to 36" x 96"
   same address, same time (replacement only)
SUBJECT:          CLAIM – JOSEPH WITTMAN

SOURCE:          ADMINISTRATION

COMMENT:         Mr. Joseph Wittman has filed a claim against the City in an amount of $1,500 for fire damage to his vehicle. Claimant alleges that the Porterville Fire Department was negligent in responding timely to extinguish his burning vehicle while it was disabled along Hockett Street in the proximity of Fire Station No. 1 on July 4, 2008.

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.
RECEIVED

AUG 1 4 2008

CITY OF PORTERVILLE
CITY CLERK OFFICE

(Please Type Or Print)

CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant’s Name: Joseph Wettman

Claimant’s Address: 875 G ST

Claimant’s Telephone No. (Home) 639-793-1522 (Work) 9/1/8

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

Same address 875, G ST, PORTERVILLE, CA 93257

Date of incident/accident: 07-04-08

Date injuries, damages, or losses were discovered:

07-04-08

Location of incident or accident:.BEX HOCKETT ST

What did entity or employee do to cause this loss, damage, or injury? NO DAMAGE CLAIM

By Fire Dept, only they didn’t respond on time

In Charge was Sandoval Mitchell

$1500.00 Damages on 7-4-08

What specific injuries, damages, or losses did claimant receive? NA Vehicle Born

Fire Dept told me to move en Oct.

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)].

$1500.00 Darn most of full wall and

How was this amount calculated (please itemize):

Other Repments: I want the Fire Dept to help with damages

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

Date Signed: 8-15-08 Signature: Joseph Wettman

If signed by representative:

Representative’s Name: Joseph Wettman Telephone:

Address e #: 875 G ST, PORTERVILLE, CA 93257

Relationship to Claimant: N/A
<table>
<thead>
<tr>
<th>Incident Type</th>
<th>Dates &amp; Times</th>
<th>Shifts &amp; Alarms</th>
</tr>
</thead>
<tbody>
<tr>
<td>131 Passenger vehicle fire</td>
<td>Alarm: 07/04/2008 9:47:08AM</td>
<td>B 1 F8</td>
</tr>
<tr>
<td>Their FDID State</td>
<td>Controlled: 07/04/2008 9:49:00AM</td>
<td>Special Studies</td>
</tr>
<tr>
<td>Their Incident Number</td>
<td>Last Unit: 07/04/2008 9:52:56AM</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actions Taken</th>
<th>Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Extinguish</td>
<td>X Apparatus or Personnel Form Used.</td>
</tr>
<tr>
<td>Primary Action Taken (1)</td>
<td>Apparatus Personnel</td>
</tr>
<tr>
<td>Additional Action Taken (2)</td>
<td>Suppression: 1 0</td>
</tr>
<tr>
<td>Additional Action Taken (3)</td>
<td>EMS: 0 0</td>
</tr>
<tr>
<td>Estimated Dollar Losses &amp; Values</td>
<td>Other: 0 4</td>
</tr>
<tr>
<td>None</td>
<td>Resource counts include aid received</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Casualties</th>
<th>Hazardous Materials Released</th>
</tr>
</thead>
<tbody>
<tr>
<td>X None</td>
<td>Mixed Use Property</td>
</tr>
<tr>
<td>Fire Service: 0 0</td>
<td></td>
</tr>
<tr>
<td>Civilian: 0 0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>963 Street or road in commercial area</td>
</tr>
</tbody>
</table>
Person/Entity Involved

Business name

Mr., Ms., Mrs. First Name MI Last Name

Number Prefix Street or Highway

Post Office Box Apt./Suite/Room City

State Zip Code

Owner

Business name

(559)-79-3-1522 Phone Number

Joseph H Wittman

Mr., Ms., Mrs. First Name MI Last Name

87 S G Street or Highway

Porterville City

CA 93257

State Zip Code

Authorization

Officer in charge: Sandoval, Mitchell Signature: 07/04/2008 Date

Assignment

Member making report: Sandoval, Mitchell Signature: 07/04/2008 Date

Assignment
We responded to a report of a vehicle fire next to Fire Station One. We responded from the station and found a Black GMC Pickup truck which had broken down earlier in the morning with the engine compartment on fire. We assisted the owner earlier in pushing his vehicle next to the curb.

The owner notified us by knocking on the door of the station that his vehicle was burning. We suppressed the fire by using a dry chemical extinguisher.

The owner was trying to fix his vehicle when he pulled the fuel line from the carburetor and gasoline fell onto the manifold starting the fire.
<table>
<thead>
<tr>
<th>Property Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Est. number of residential units: Not Residential</td>
</tr>
<tr>
<td>Acres burned: None</td>
</tr>
<tr>
<td>Number of buildings involved: Buildings not involved</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>On-Site Materials</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-site material (1)</td>
<td>Storage use (1)</td>
</tr>
<tr>
<td>On-site material (2)</td>
<td>Storage use (2)</td>
</tr>
<tr>
<td>On-site material (3)</td>
<td>Storage use (3)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ignition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engine area, running gear, wheel area</td>
</tr>
<tr>
<td>Hot or smoldering object, other</td>
</tr>
<tr>
<td>Flammable liquid/gas - in/from engine or burner</td>
</tr>
<tr>
<td>Confined to object of origin</td>
</tr>
<tr>
<td>Flammable gas, other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cause Of Ignition</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unintentional</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Factors Contributing To Ignition</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
<tr>
<td>Mechanical failure, malfunction, other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Human Factors Contributing To Ignition</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asleep</td>
<td></td>
</tr>
<tr>
<td>Possibly impaired by alcohol or drugs</td>
<td></td>
</tr>
<tr>
<td>Unattended person</td>
<td></td>
</tr>
<tr>
<td>Possibly mentally disabled</td>
<td></td>
</tr>
<tr>
<td>Physically disabled</td>
<td></td>
</tr>
<tr>
<td>Multiple persons involved</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age was a factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated age of person involved</td>
</tr>
<tr>
<td>Sex of person involved</td>
</tr>
</tbody>
</table>
### Equipment Involved In Ignition
- **Brand:** None
- **Model:** None
- **Serial #:** None
- **Year:** None

### Fire Suppression Factors
- **Fire suppression factor (1):** None
- **Fire suppression factor (2):** None
- **Fire suppression factor (3):** None

### Mobile Property Involved
- **Sierra:** 1993
- **Mobile property model:** 5D75725
- **License Plate Number:** CA

### Mobile Property Type & Make
- **Type:** Passenger road vehicle, other
- **Make:** GMC

### Local Use
- **Pre-Fire Plan Available:** None
- **Arson report attached:** None
- **Police report attached:** None
- **Coroner report attached:** None
- **Other reports attached:** None
### NFIRS - 9 Apparatus

<table>
<thead>
<tr>
<th>Unit ID</th>
<th>Serial #</th>
<th>Type</th>
<th>Dispatched</th>
<th>Enroute</th>
<th>Arrival</th>
<th>Clear</th>
<th>In Quarters</th>
</tr>
</thead>
</table>

### Actions Taken

1. 11 Extinguish
2. 86 Investigate
3.
4.

### Personnel ID  Name  Rank

...
SUBJECT: AWARD OF CONTRACT – ROCHE SEWER PROJECT – MORTON AVENUE (ROCHE SCHOOL TO HENRAHAN STREET)

SOURCE: Public Works Department - Engineering Division

COMMENT: On September 4, 2008 staff received seven (7) bids for the Roche Sewer Project. The project includes installation of 6” sanitary sewer piping, manholes and related appurtenances along the north side of Morton Avenue from Roche School to Henrahan Street. Portions of the existing 6” sewer pipeline, south of Morton Avenue in Henrahan Street and east of Fourth Street will also be replaced.

The Engineer’s estimate of probable cost for the project is $72,336. The low bid is 44.8% below the Engineer’s estimate. An additional $3,896.50 is required for the construction contingency (10%). An additional $5,000 is required for construction management, quality control and inspection.

Funding is provided by sewer revolving fund and was approved in the 08/09 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 99 Pipeline, Inc. Lindsay, CA</td>
<td>$38,965.00</td>
</tr>
<tr>
<td>2. Mattos Underground Construction, Inc. Laton, CA</td>
<td>$45,450.50</td>
</tr>
<tr>
<td>3. Halopoff &amp; Sons, Inc. Porterville, CA</td>
<td>$51,727.11</td>
</tr>
<tr>
<td>4. Kern Pacific Construction Company Bakersfield, CA</td>
<td>$59,945.00</td>
</tr>
<tr>
<td>5. Tee-Ken Company Lancaster, CA</td>
<td>$67,590.00</td>
</tr>
<tr>
<td>6. Todd Engineering Visalia, CA</td>
<td>$66,739.00</td>
</tr>
</tbody>
</table>
7. HPS Mechanical  
Bakersfield, CA  
$92,710.00  

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Roche Sewer Project - Morton Avenue (Roche School to Henrahan Street) to 99 Pipeline, Inc. in the amount of $38,965.00;

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

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

ATTACHMENT: Locator Map

P:\pubwork\Engineering\Council Items\Award of Contract - Roche Sewer Project - 2008-06-16.doc
ROCHE SEWER PROJECT

PROJECT LOCATION

MORTON AVE

PLANO ST.

MURRY ST.

ROCHE ELEMENTARY SCHOOL

FOURTH ST.

HENRAHN ST.

ROCHE ST.

HARRISON AVE.

MURRY ST.

BAKER ST.
SUBJECT: AWARD OF CONTRACT – NEWCOMB STREET TRENCH PATCH & CONCRETE REPLACEMENT PROJECT (WESTFIELD AVENUE TO SAN LUCIA LANE)

SOURCE: Public Works Department - Engineering Division

COMMENT: On September 4, 2008 staff received eight (8) bids for the Newcomb Street Trench Patch & Concrete Replacement Project. The project includes installation of trench patch, manholes, catch basin, curb and gutter, sidewalk, driveway approaches, pave-out and related appurtenances along the east side of Newcomb Street from Westfield Avenue to approximately 250 feet south of San Lucia Lane.

The Engineer's estimate of probable cost for the project is $64,311.50. The low bid is 38.3% below the Engineer's estimate. An additional $3,964.95 is required for the construction contingency (10%). An additional $5,000 is required for construction management, quality control and inspection.

Funding is provided by storm drain developer impact fees and was approved in the 08/09 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 99 Pipeline, Inc. Lindsay, CA</td>
<td>$39,649.50</td>
</tr>
<tr>
<td>2. Victory Engineers, Inc. Fresno, CA</td>
<td>$49,297.00</td>
</tr>
<tr>
<td>3. Halopoff &amp; Sons, Inc. Porterville, CA</td>
<td>$49,930.62</td>
</tr>
<tr>
<td>4. Tee-Ken Company Lancaster, CA</td>
<td>$54,492.00</td>
</tr>
<tr>
<td>5. Serna Construction, Inc. Fresno, CA</td>
<td>$59,387.00</td>
</tr>
</tbody>
</table>

Director Appropriated/Funded

Item No. 10
6. V & G Builders, Inc. $71,026.00
Fresno, CA

7. Garcia Paving Company, Inc. $73,949.00
Fresno, CA

8. BMY Construction, Inc. $101,534.71
Fresno, CA

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Newcomb Street Trench Patch & Concrete Replacement Project to 99 Pipeline, Inc. in the amount of $39,649.50;

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

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

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF PROJECT – GRANITE HILLS MICRO SEAL

SOURCE: Public Works Department - Engineering Division

COMMENT: Valley Slurry Seal has completed the Granite Hills Micro Seal Project per plans and specifications. The project included construction of minor pavement patches, crack filling, installation of Type II Slurry Seal, striping and pavement marking. The project limits are Morton Avenue from Leggett Street to Conner Street, Conner Street from Morton Avenue to Olive Avenue, Olive Avenue from Conner Street to Olivecrest Avenue, Olivecrest Avenue from Olive Avenue to Crestview Street and Crestview Street from Olivecrest Avenue to Morton Avenue. The Micro Seal project will extend the life of the asphalt and aide in sealing minor to some moderate cracks.

City Council authorized an expenditure of $136,998.40 for construction. Final construction cost is $134,126.50. Funding is provided by Measure R Local Funds and was approved in the 08/09 Annual Budget.

Valley Slurry Seal requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion.
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:\PublicWorks\Engineering\Council Items\Acceptance of Project - Granite Hills Micro Seal Project - 2008-09-16.doc
SUBJECT: ACCEPTANCE OF PROJECT – MORTON AVENUE CHIP SEAL

SOURCE: Public Works Department - Engineering Division

COMMENT: Central Valley Asphalt has completed the Morton Avenue Chip Seal Project per plans and specifications. The street maintenance project included the application of asphaltic emulsion and screenings (chip seal) spread on existing pavement after it has been cleaned of all dirt and loose material. The chip seal project will greatly increase the durability of the roadway. Grinding and repaving small areas prior to the chip seal was another aspect of the project.

City Council authorized an expenditure of $79,611.40 for construction. Final construction cost is $74,362. $60,625.80 was paid through the Chip Seal and the Street Overlay Program in the 2006/2007 Annual Budget. The remaining balance of $13,736.20 was paid through Micro Seal capital project approved in the 08/09 annual budget.

Central Valley Asphalt requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

2. Authorize the filing of the Notice of Completion.

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:\pubwork\Engineering\Council Item\Acceptance of Project - Morton Avenue Chip Seal Project - 2008-09-16.doc

Item No. 8
SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – GARDEN COURT VILLAS (Greg Woodard)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, G W Homes, has submitted the final map of the subject development for Council approval.

The public improvements within this development were constructed as part of Riverview Estates Phase 3 subdivision. Therefore, the execution of a Subdivision Agreement and Surety deposit are not required. The Subdivider has paid all fees and prepared fully functional Covenants, Conditions and Restrictions that govern common areas, facilities, improvements and maintenance thereof.

The final map is in conformance with the approved tentative map and City Council Resolution No. 45-2008. The final map has been approved by the Public Works Director and City Engineer and all other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final map of Garden Court Villas Subdivision; and

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

ATTACHMENT: Final Map – Garden Court Villas
SUBJECT: Calling A Public Hearing to Set Rental Rates for City Owned Hangars at the Porterville Airport

SOURCE: City Manager/Airport General Manager

COMMENT: The City has purchased over the past three years three sets of hangars. The City has owned for many years one set of hangars and one individual T-Hangar. With the recent purchase of the Woodmansee Hangar which will be both an office and a hangar area, the importance of establishing rates through Council action is critical.

In the next few months, the City Manager/Airport General Manager will provide for consideration a form of lease agreement. The intention is that the resolution based month-to-month tenancy will be the standard; however, hangar tenants may enter into a longer term agreement. The desire is to make the longer term agreement the standard with the most favorable financial terms.

The process for the Council’s consideration is to set a date for public hearing. At the meeting, the Council will receive testimony on the resolution and determine whether to establish the rates as defined in the resolution.

The resolution also contains a provision for an annual adjustment of rates based upon a melded Los Angeles/San Francisco CPI. This proposed annual adjustment is based upon a survey of rates which revealed that Porterville’s rates were comparable to those in other communities. The entire resolution expires in 2011 and the amount of the adjustor can be reconsidered at that time, if necessary.

Also, the resolution recognizes a successor agreement with tenants which would specify terms and price for any hangar rental on other than a month-to-month tenancy.

RECOMMENDATION: Set the date for the public hearing on hangar rental rates for 21 October 2008.

ATTACHMENT: Draft Resolution

Item No. 10
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE SETTING RENTALS
FOR THE USE OF CITY HANGARING FACILITIES

WHEREAS, the City of Porterville owns hangars at the Porterville Airport within which aircraft may be stored;

WHEREAS, the City of Porterville manages 27 hangar units and spaces,

WHEREAS, the City Council sets reoccurring rental amounts after considering a survey of similar rentals at Airports in the Kern, Tulare, Fresno, Kings County area;

WHEREAS, the proposed schedule of rentals has been posted at the Porterville Airport Terminal and made available to current tenants of the hangar facilities,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that fees for month-to-month tenancies in City hangars shall be as follows:

Billingsley City Hangars
5 units at $70 per month with maintenance by renter

Coulter City Hangars
10 units at $175 per month

Craeger City Hangars
2 smaller units at $125 per month
4 larger units at $150 per month

Landon City T-Hangar
1 unit at $70 per month with maintenance by renter

Woodmansee City Hangar
5 spaces at $75 per month

BE IT FURTHER RESOLVED as follows:

1. The City shall provide basic utilities with an allowance equal to 10% of the rental value. Should the City note extraordinary use of utilities beyond the allowance per month, notification to the owner may be provided and separate metering may be installed.

2. For month to month tenancies, the rental amounts defined above may be adjusted annually in January, by an amount equal to 100% of the average of the Los Angeles and San Francisco Consumer Price Indices for All Urban Consumers for the most recent twelve month period that both indices are available.
3. The terms of this resolution may be modified in any respect by the approval of a multi-year agreement with a tenant approved by motion of the City Council.

4. This resolution and all of the terms and conditions contained herein shall expire on June 30, 2011.

APPROVED AND ADOPTED this _____ day of September, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: AUTHORIZATION TO EXTEND CONTRACT WITH SOUTHERN CALIFORNIA GAS COMPANY FOR A TEMPORARY CNG FUELING STATION

SOURCE: Public Works Department - Engineering Division

COMMENT: At the April 1, 2008 Council meeting, staff requested authorization from Council to negotiate a contract with Gas Equipment Systems, Inc. (GESI) from Rancho Cucamonga, California, for a temporary CNG fueling station at the City Corporation Yard. GESI had continual problems with their mobile CNG compressor and was unable to meet the fueling needs of the City of Porterville Transit Division's four (4) CNG buses.

At the July 15, 2008 Council meeting, staff requested authorization to negotiate a contract with SW Compressors (SWC) of La Habra, California. SWC never followed through on their commitment to the City. In the interim, the City successfully negotiated a two month-contract with Southern California Gas Company (SCG) for a mobile CNG compressor based on authorization received from Council on April 1, 2008. SCG has provided a reliable compressor and the City has been fueling the four (4) CNG buses successfully for over a month.

The City is currently advertising for the Transit Maintenance and CNG Fueling Facility Project which includes a permanent CNG fueling station with public and private fueling capability. Bids are due on October 9, 2008 and staff will request Council award a contract at the October 21, 2008 meeting. Estimated completion date for the project is May 2009.

In the interim, staff is requesting Council's authorization to extend the contract with Southern California Gas Company for the temporary CNG fueling station. The current contract with SCG for their gas powered compressor is $1,200 per month lease and a $680 per week maintenance charge. SCG is currently working on an electric compressor to meet the City's fueling needs. The electric system will greatly minimize the amount of maintenance required.

Funding for all costs associated with the temporary CNG fueling station outlined above will be from Transit Fund Accounts. Lease payments will be deducted from Transit Admin Utilities Acct. No. 20-1170-42; CNG bus fuel charges will be charged to Fixed Route Maintenance Acct. No. 20-1190-11; and City maintenance and utility billings will be charged to Utilities Acct. No. 20-1170-42.
RECOMMENDATION: That City Council:

1. Authorize staff to negotiate with Southern California Gas Company for a minimum 6-month lease agreement at $1,200 per month and a $680 per week maintenance component; and

2. Authorize staff to negotiate a month to month lease agreement with Southern California Gas Company until completion of the permanent CNG facility.
CITY COUNCIL AGENDA: SEPTEMBER 16, 2008

CONSENT CALENDAR

SUBJECT: URBAN BOUNDARIES AMENDMENT UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: City staff is currently in the process of updating the City’s urban boundaries to better implement the goals and policies of the recently adopted Porterville General Plan. Staff has had several meetings with Tulare County Local Agency Formation Commission (LAFCO) staff to present our desired changes informally, before submitting a formal application to the board. LAFCO staff responded favorably to our suggestions and provided direction in addressing potential challenges.

A description of the proposed boundaries and the desired changes are as follows:

1. Urban Area Boundary (UAB)
   Areas that are in the County, but fall within this boundary are areas that are of particular interest to the City, even though there is no expectation of annexation in the near future. Staff is proposing that this boundary be enlarged to include the study area of the General Plan so that the City may have the opportunity to comment on development projects near the community.

2. Urban Development Boundary (UDB)
   Areas that are in the County, but fall within this boundary are areas that can be annexed into the City. Staff is proposing the addition of strategic areas east of the City, in proposed industrial areas near the airport and in selected areas to the north and west where development is expected in the near future.

3. Sphere of Influence (SOI)
   Similar to the Urban Development Boundary. This is also known as our twenty (20) year growth boundary. Staff is proposing that this be enlarged to match our Urban Development Boundary.

The next steps include receiving formal comments back from LAFCO regarding our request and application instructions. We expect this to happen about a week from the City Council meeting. We will then meet with the County Chief Administrative Office to seek an agreement on terms of the boundary amendment, during the first week in October. Thirty days after that, we will be submitting a formal application that will ultimately end up before the LAFCO board for action.

RECOMMENDATION: For information purposes only.

ATTACHMENTS: Urban Boundaries Study Map

[Signature]

Item No. 12
SUBJECT: CONSIDER APPROVAL OF A PERMANENT MEMORIAL TO BE INSTALLED IN VETERANS PARK

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT:
In accordance with City Policy Resolution No. 04-2008, the Porterville Emblem Club #82 has requested permission to install a permanent bronze memorial in Veterans Park. The memorial is proposed as an honor to all of the fallen soldiers of the community, and is a professional artwork in the form of a battlefield cross.

The Parks & Leisure Services Commission and staff agree that this is an appropriate memorial for the portion of Veterans Park that has other veteran memorials. The Emblem Club has been encouraged to coordinate their memorial interest with the local veteran organizations to ensure proper respect to the current memorials.

The Emblem Club or the local veteran organizations have not proposed a precise location or manner for the installation of the "fallen soldier" memorial. Staff have encouraged consideration of a location to the east of the Vietnam Veteran Memorial (helicopter). This is the vicinity of an existing street light, adjacent to the parking lot. The Emblem Club has not determined if they wish to enclose their memorial with fencing, or include an inscription.

The Parks & Leisure Services Commission and staff recommend approval of the Emblem Club's request to install a permanent memorial. Staff recommend that the approval be contingent upon the Emblem Club providing the Director of Parks & Leisure with details of the manner of installation, the precise memorial location, and the wording of any inscription.

RECOMMENDATION: That the City Council approve the request of Porterville Emblem Club #82, allowing the installation of a permanent memorial in Veterans Park subject to an agreement between the City and the Emblem Club that provides one year for the installation work to be completed, acknowledges the ongoing responsibility of the Emblem Club for maintenance, and provides for the Director of Parks & Leisure Services to approve the final location, installation manner, fencing design, and any inscription wording.

ATTACHMENTS: Letter of request from Porterville Emblem Club #82
August 4, 2008

City of Porterville
Parks and Leisure Department
291 North Main
Porterville, CA 93257
Attn: Jim Perrine

Dear Mr. Perrine:

Porterville Emblem Club #82 would like to put a Bronze Battlefield Cross in Veterans Park to honor the fallen soldiers of our community.

A Battlefield Cross is a symbolic replacement of a cross on the battlefield or at the base camp for a soldier who has been killed. Made up of the soldier's rifle with bayonet attached stuck into the ground, helmet on top, dog tags sometimes hanging from the rifle and the boots of the fallen soldier next to it. Its purpose is to show honor and respect for the fallen at the battle site. The practice started during the American Civil War or maybe earlier as a means of identifying the bodies on the battleground before they were removed. Today it is an immediate means of showing respect for the fallen among the still living members of the troop. It might be seen in the field or base camp after the battle in Afghanistan or Iraq. It is used less today as a means to identify the fallen but more as a private ceremony among those still living as a means to mourn, as attending the funeral is not always possible for soldiers still in the fight.

Emblem has contacted a company about purchasing a bronze full size statue of this Cross and would like information and the steps it would take to be able to put it in Veterans Park. At this point and time we are still in the fundraiser stages of this project. The cost of the statue is upwards of $4300. This does not include any fencing that may be required around the statue, similar to that around the helicopter that is already in Veteran's Park, nor the cost to pour a concrete foundation to bolt it to, nor any plaque we may wish to attach.

We have several fundraisers to help us reach our goal and are hoping to get other organizations and members of the community involved.
Please let us know what further steps we will need to take in order to have our monument honoring our fallen soldiers to become a reality.

Sincerely,

Kimberly Latham
Porterville Emblem Club #82
Americanism Chairman
"Fallen Soldier"

Background: When a serviceman or woman is lost in the battlefield, it has become customary to arrange their Boots, Rifle and Helmet as depicted in this sculpture and the surviving members of their squad will gather around and memorialize their fallen comrades. Some of the troops will pray, others might recall funny stories, but make no mistake; this is a ceremony that is taken very seriously. Every soldier knows the next ceremony might be for them. This arrangement is also known as a Battlefield Cross or a Battle Cross.

The sculpture was created by Richard Rist the owner of The Large Art Company. A veteran himself, Mr. Rist also comes from a long line of veterans in his family. The Large Art Company is one of the leading bronze sculpture dealers in the United States and sells a wide variety of pre-made and custom bronze sculptures.

To Mr. Rist this sculpture symbolizes the importance of one lost life in the service of his/her country. It is neither pro-war nor anti-war. He felt that his war memorial statue would recreate the same ceremonial arrangement the soldiers do themselves in the battlefield. He wanted a monument that would make you stop and think for a minute about the real cost of war. He feels this is a fitting and dignified tribute to our troops and a memorial that will keep their memory alive in a permanent way.

Specifications: The “Fallen Soldier” sculpture is life-size and life-like in every detail. It is cast in pure American bronze with a copper content of 90.23% using the ancient “lost-wax” method of bronze casting. In its standard form the sculpture measures 45” tall and the bronze base is 6-1/2” tall x 18” wide and 26 1/2” from front to back. The weight is approximately 175 pounds. The patina (coloration) is a traditional chocolate brown (also known as statuary brown). Four mounting nuts are welded in each corner under the base of the sculpture for permanent installation. This is a classic quality statue and built to last for hundreds of years.

The equipment used as models for the sculpture were current issue in 2003. The rifle is an M-16 assault weapon. We researched the history of this arrangement extensively and decided to arrange the boots straight and with the magazine facing backward. The idea was to create an arrangement like the soldier was standing there except for his body. However, some troops like to turn the gun around and hang dog tags off of the magazine and some like to have the boots at a 45-degree angle like an attention stance. We are happy to accommodate these types of changes. Also, the base can be made any size to accommodate a specific need for a memorial.

The base was designed to provide a simple pedestal for the sculpture and for weight to keep the sculpture erect when used as a stand-alone sculpture. Also, the flat surfaces provide an area to mount a memorial plaque. Please contact The Large Art Company for more information.

SOURCE: Administrative Services, Finance Division

COMMENT: The Filipino-American Association of California is requesting approval to hold a Filipino-American Weekend at Veterans' Park, on the Henderson Avenue side, on Saturday and Sunday, September 27 and 28, 2008 from 7:00 a.m. to 9:00 p.m. The event is being held as a weekend cultural celebration of the Filipino-American heritage with displays of folkdances, folksongs and foods. Partial street closures are requested for a motorcade procession using one lane.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit "A."

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit "A."


DD J Appropriated/Funded J C.M J Item No. 14
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: September 3, 2008  Event date: Sept. 29-30  Event time: 7:00 am - 10:00 pm
Name of Event: Filipino American Week

Sponsoring organization: Fil-Amer Assn. of CA  PHONE # 782-3639
Address: 968 W Cleo Ave / Porterville CA 93257
Authorized representative: Marilow A. Aguina  PHONE # 359-1142
Address: 968 W Cleo Ave Porterville CA 782-3639
Event chairperson: Marilow A. Aguina  PHONE # 782-3639

Location of event (location map must be attached): Porterville Veterans Park, Henderson Area
Type of event: Filipino American Week Civic Event

Nonprofit status determination: 501(c) (certificate on file)

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

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<th>Street sweeping</th>
<th>Refuse pickup</th>
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<tbody>
<tr>
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<td>Yes</td>
<td>Yes</td>
</tr>
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</table>

Other: Bingo Permit (separate permit)

Parks facility application required: Yes  No  Attached
Assembly permit required: Yes  No  Attached

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

<table>
<thead>
<tr>
<th>Approve</th>
<th>Deny</th>
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<td>_______</td>
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<td>Parks Dir</td>
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<td>Police Chief</td>
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<tr>
<td>Deputy City Mgr</td>
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</table>
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

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

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

Fil: Amer Assn. of CA Yazzio
(Name of organization)
9-3-08
(Signature)
(Date)
CITY OF PORTERVILLE

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

Name of event: Filipino American
Sponsoring organization: Filipino Assn. of CA & Week
Location: Porterville Veterans Park Henderson Event date: 9/27-28 Event time: 7:00am

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted NO LESS THAN ONE week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melanies Ford</td>
<td>781-1523</td>
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<td>Filipino American Cultural Week</td>
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<tr>
<td>Marivic Ford</td>
<td>781-1708</td>
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<td>Filipino American Cultural Week</td>
</tr>
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</table>
CITY OF PORTERVILLE

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

Name of event: Filipino American Cultural Week

Sponsoring organization: Filipino Amer Assn. of CA Inc

Event date: Sept 27, 2003

Hours: 8:00 am – 11:00 am

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
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<td>Newcomb</td>
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<tr>
<td>Motorcade</td>
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<td>Newcomb St</td>
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<td>R Prospect</td>
<td>R Morton Ave</td>
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<tr>
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Single Lane

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<th>Sidewalks</th>
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</thead>
</table>

Parking lots and spaces

Location

Activity
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA
FILIPINO-AMERICAN WEEK
SEPTEMBER 27-28, 2008

Business License Supervisor:
  S. Perkins

No comments

Public Works Director:
  B. Rodriguez

Provide general clean-up after event.

Community Development Director:
  B. Dunlap

Clear motorcade with Police Chief.

Field Services Manager:
  B. Styles

No comments

Fire Chief:
  M.G. Garcia

No comments.

Parks and Leisure Services Director:
  J. Perrine

Facility reservation already obtained.

Police Chief:
  C. McMillan/Rodriguez

See attached conditions/requirements.
Attachment “A”.

Deputy City Manager, Interim:
  J.D. Lollis

See Exhibit A, Page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Filipino-American Association of California
Event: Filipino-American Weekend
Event Chairman: Marilou A. Agpaoa
Location: Veterans’ Park, Henderson Avenue side
Date of Event: September 27-28, 2008

RISK MANAGEMENT: Conditions of Approval

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

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

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

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:
Filipino-American Week- Veteran's Park- September 27 & 28, 2008

Staff Comments: Conditions/requirements by Police Department

- All street closures require City Council approval.
- Police Department recommends denial of street closure for purposes of a vehicle procession.
- The applicant organization must apply separately for a Bingo permit and comply with all requirements as specified in the City's Bingo ordinance.
- Participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of traffic.
- There shall be no consumption of alcoholic beverages at the park event.
- Amplified music or sound shall not continue beyond 9:00 p.m.

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

1. Name and home address of the applicant:
   
   **Marion A. Agpawa**  
   Phone # **782-3639**

2. Address where amplification equipment is to be used:
   
   **Porterville Veterans Park**  
   **Henderson Area**

3. Names and addresses of all persons who will use or operate the amplification equipment:
   
   **Eddie Salvador** - **Alex Remigio**
   **Ely Agpawa** - **968 W Cleo Ave Porterville**
   **OF 93257**

4. Type of event for which amplification equipment will be used:
   
   **Filipino American Cultural Week**

5. Dates and hours of operation of amplification equipment:
   
   **September 27 & 28, 2008**  
   **7:00am - 10:00pm**

6. A general description of the sound amplifying equipment to be used:
   
   **Amplified sound system consisting of**
   **2 speakers, 1 receiver, and a fllayer.**
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

[Signature]
Chief of Police

9/3/08
Date

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

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

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

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

cc: ____________________________

______________________________

______________________________

3/27/01
# ACORD CERTIFICATE OF LIABILITY INSURANCE

**PRODUCER:** Guaranty California Insurance Services Inc.  
P.O. Box 1960  
Porterville, CA 93257  
559-781-5200  
Mayra Hernandez

**INSURERS AFFORDING COVERAGE:**  
Western Heritage Insurance Company  
37150

**INSURED:**  
Fil-Amer Association of California, Fil-Amer Association of California  
968 West Cleo Ave  
Porterville, CA 93257

**COVERAGES:**  
The policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

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<th>POLICY NUMBER</th>
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<td>MED EXP (Any one person): $5,000</td>
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<td>PRODUCTS - COMPOP AGG: $1,000,000</td>
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<tr>
<th>TYPE OF INSURANCE</th>
<th>LIMITS</th>
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</thead>
<tbody>
<tr>
<td>AUTO UMBRELLA LIABILITY</td>
<td>AUTO ONLY - EACIDENT: $</td>
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<tr>
<td>EXCESS UMBRELLA LIABILITY</td>
<td>ANY AUTO: AGG: $</td>
</tr>
<tr>
<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
<td>WC STATUTORY LIMITS: OTHER: $</td>
</tr>
<tr>
<td>OTHER</td>
<td>3rd party Property Damage Liability</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Additional Insured: City of Porterville

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 10 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

**AUTHORIZED REPRESENTATIVE:**  
Robert V. Nuccio  
Porterville, CA 93257

© ACORD CORPORATION 1988
IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
   Porterville Veterans Park

2. Name of Person or Organization (Additional Insured):
   City of Porterville
   Additional Insured: City of Porterville

3. Additional Premium:

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:
1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.
CITY OF PORTERVILLE
P.O. BOX 432, PORTERVILLE, CA. 93258-0432
(209) 784-1400, EXT. 454

Application For City Bingo Permit & Business License

NOTE: Reapplication must be submitted to the Finance Department two months prior to expiration date above.
Allow 10 to 21 days for necessary inspections and approvals. Licensee is responsible for compliance with all ordinances of the City of Porterville, i.e., Fire, Health, Building and Zoning Codes.

BUSINESS NAME: Fil-Amer Assn Bingo
MAILING ADDRESS: 20441 Ave 164
PORTERVILLE, CA 93257

BUSINESS ADDRESS: 20441 Ave 164
PORTERVILLE, CA 93257

BUSINESS PHONE NO.: 

Application is hereby made to conduct Bingo Games within the City of Porterville pursuant to Section 19(c) of Article IV of the California Constitution, Penal Code Section 326.5 (including future amendments thereto), and provisions of Section 15-28(c) of Chapter 15 of the Porterville City Code.

PROOF THAT ORGANIZATION IS A CHARITABLE ORGANIZATION AS DEFINED BY PENAL CODE SECTION 326.5 (Tax Exempt Status). If documentary proof is unavailable, a statement of tax exempt status is required.

PROPERTY IS ☐ IS NOT ☐ LOCATION OF OTHER ACTIVITIES OF ORGANIZATION

TAX EXEMPT NO. ☐ PROPERTY IS: ☐ Owned by Organization ☐ Leased by Organization

SCHEDULE OF PROPOSED BINGO GAMES: Days Hours:

OFFICERS OF ORGANIZATION:
Melanie Soliman - A 2235239 - 2014/09/28
2319 W CLEVELAND
PORTERVILLE, CA 93257 - 763-1523

PERSONS AUTHORIZED BY ORGANIZATION TO OPERATE BINGO GAMES IN BEHALF OF THE ORGANIZATION:
Arc Ninaola - B3915977 - 7/01/2011
Marjana Agpava - B3913897 - 7/10/2011
Iley Agpava - B1747542 - 3/25/10

(Use separate sheet if necessary - Each Person Must Be A Member Of The Sponsoring Organization) NO MORE THAN 20 MAY BE LISTED.

IMPORTANT: READ AND SIGN BELOW — RETURN WITH FEE

FEES DUE: $ 
Signed By: 

Officer/Title: 
Application Date: 9/11/10

ALL BUSINESS SIGNS WITHIN THE CITY LIMITS MUST BE APPROVED BY THE PLANNING DEPARTMENT.

NOTE: Additional City permits may be necessary before the owner can commence business.

Approved Date
FOR OFFICE USE ONLY
Approved Date

1. Licensing
2. Accounting

REQUIREMENTS/CONDITIONS

Occupancy Capacity:

AMOUNT PAID
DATE ISSUED
BY
SIC
SCHEDULE
DATE BUSINESS DISCONTINUED
LICENSE NUMBER

THE APPROVED APPLICATION AND BUSINESS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE DURING THE CONDUCT OF ANY BINGO GAME.

Notify City if you change your business address, name, ownership, nature of business, or if you are no longer doing business in Porterville.

PLEASE RETURN ALL COPIES
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
EXCHANGE CLUB OF PORTERVILLE – ROCK, PAPER, SCISSORS
CONTEST

SOURCE: Administrative Services - Finance Division

COMMENT: The Exchange Club of Porterville is requesting approval to hold a
Rock, Paper, Scissors Contest at the Centennial Plaza on Saturday,
September 27, 2008, from 9:00 a.m. to 1:00 p.m. Street closure is
requested on Cleveland Avenue from Main Street to Second Street for
food booths. This application is submitted in accordance with the
Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance
regulations and reviewed by all the departments involved. All
requirements are listed on the attached copy of the Application,
Agreement and Exhibit “A.”

RECOMMENDATION: That the Council approve the Community Civic Event
Application and Agreement from the Exchange Club of
Porterville, subject to the Restrictions and Requirements
contained in the Application, Agreement and Exhibit “A”
of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement,
Exhibit “A”, Outside Amplifier Permit, Map, Certificate of
Liability Insurance and Request for Use of Facilities form.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 8-14-2008  Event date: 9-27-2008
Event time: 9 A.M. - 1 P.M.

Name of Event: Exchange Club Rock Paper Scissors Contest

Sponsoring organization: Exchange Club of Porterville
Address: P.O. Box 1191 Porterville CA 93257
Authorized representative: Lester Seay
PHONE # 310-0767
Address: 240 Montevista Lindsay 93247
Event chairperson: Pete Lara
PHONE # 361-4959

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

Type of event: Community Fundraiser

Nonprofit status determination: Yes B.L. application to P. Lara on 9/10/08

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

Barricades (quantity):

Yes ___ No ___
Police protection
Yes ___ No ___
Refuse pickup
Yes ___ No ___
Other:

Parks facility application required:
Yes ___ No ___ Attached ___
Assembly permit required:
Yes ___ No ___ Attached ___

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

Approve    Deny

Bus Lic Spvr
Pub Works Dir
Comm Dev Dir
Field Svcs Mgr
Fire Chief
Parks Dir
Police Chief
Deputy City Mgr

1 of 4
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public
property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in
order to obtain City Council approval.

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s)
from the County of Tulare Department of Health if any food is to be served in connection with this
Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199,
or fax information to, 559.788.1313.

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

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

Exhange Club of Porterville

(Name of organization) 8-14-08

(Signature) (Date)
CITY OF PORTERVILLE

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

Name of event: **Exchange Club Rock Paper Scissors Contest**

Sponsoring organization: **Exchange Club of Porterville**

Location: **Cerritos Park**  Event date: **9-27-08**  Event time: **9 AM - 1 PM**

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
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CITY OF PORTERVILLE

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

Name of event: Exchange Club of Porterville Rock, Paper, Scissors

Sponsoring organization: Exchange Club of Porterville

Event date: 9-27-2008  Hours: 9 AM - 1 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Cleveland</td>
<td>Main</td>
<td>Second</td>
<td>Food Booths</td>
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<td>Sidewalks</td>
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<td>Activity</td>
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<td>Parking lots and</td>
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<td>Location</td>
<td>Activity</td>
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<td>spaces</td>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

EXCHANGE CLUB OF PORTERVILLE
ROCK, PAPER, SCISSORS CONTEST

SEPTEMBER 27, 2008

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

Public Works Director:  
B. Rodriguez

Community Development Director:  
B. Dunlap

Field Services Manager:  
B. Styles  
Barricades are available at 555 N. Prospect St. Make sure streets are clean after event.

Chief of Fire Operations:  
M. G. Garcia  
No comments.

Parks and Leisure Services Director:  
J. Perrine  
Event organizer is to provide trash receptacles and proper disposal and at least one portable toilet to supplement city provided toilet facilities. Bounce houses are to be located either in mulched unplanted area or along south edge of lawn area. Facility reservation has been obtained.

Police Chief:  
C. McMillan/Rodriguez  
All streets closures require City Council approval. Use full size highly visible street barricades to effectively warn motorists of street closure. Ensure barricades are taken down when event is concluded.

Deputy City Manager:  
J.D. Lollis  
See attached Exhibit “A”
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor:               Exchange Club of Porterville
Event:                Rock, Paper, Scissors Contest
Event Chairman:       Pete Lara
Location:             Centennial Plaza, Cleveland Avenue
Date of Event:        September 27, 2008
Time of Event:        9:00 a.m. to 1:00 p.m.

RISK MANAGEMENT:     Conditions of Approval

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

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

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an "admitted" insurer in the State of California.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:

Pete Lara Sr. Phone # 569-0801, 361-4959
21459 AVE 200 STRATHMORE CA 93267

2. Address where amplification equipment is to be used:

Centennial Park Phone #

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

Pete Lara Jr. 21459 AVE 200 STRATHMORE
Bill Graves 32283 Fairway Dr Springville

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

Community Fund Raiser

5. Dates and hours of operation of amplification equipment:

9AM - 1PM

6. A general description of the sound amplifying equipment to be used:

Mic & Amp
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]
Applicant

6-14-2008
Date

[Signature]
Chief of Police

SEPT. 8, 2008
Date

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

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

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

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

cc: __________________________

___________________________

___________________________

3/27/01
**ACORD™ CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
Brooks Insurance Agency, Inc.
120 Madison Ave.
Jeddo, OH 43604
419 243-1191

**INSURED**
Affiliated Exchange Clubs & Districts of N. America of the Natl Exchange Club
3050 W. Central Ave.
Toledo, OH 43606

**INSURERS AFFORDING COVERAGE**
INSURER A: Peerless Insurance Co.

**APPLICATION INFORMATION**

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<th>INSURER</th>
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**DATE (MM/DD/YYYY)**
08/22/2008

**CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFRMS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.**

**COVERAGES**

The policies of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

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<tr>
<th>INSURED</th>
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<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
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<td>CLAIMS MADE</td>
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<td>GENL AGGREGATE LIMIT APPLIES PER:</td>
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<td>EACH OCCURRENCE: $1,000,000</td>
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<td>DAMAGE TO RENTED PROPERTY (Ex occurrence): $100,000</td>
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<td>PRODUCTS - COMPR AGG: $2,000,000</td>
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<td>GARAGE LIABILITY</td>
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<td>EXCESS/UMBRELLA LIABILITY</td>
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<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
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<td>E.L. EACH ACCIDENT: $1,000,000</td>
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<td>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?</td>
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<td>E.L. DISEASE - EA EMPLOYEE: $1,000,000</td>
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<td>SPECIAL PROVISIONS below</td>
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<td>E.L. DISEASE - POLICY LIMIT: $1,000,000</td>
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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

Event & Date: Rock Paper Scissors Contest 9/25/08.
RE: Exchange Club of Porterville, CA.
City of Porterville, CA is an additional insured ATIMA per CG2026 7/04 attached.

**CERTIFICATE HOLDER**
City of Porterville, CA
291 N. Main St.
Porterville, CA 93257

**CANCELLATION**

Ten Day Notice for Non-Payment of Premium

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 10 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

Authorized Representative

[Signature]

KALIC © ACORD CORPORATION 1988
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Porterville, CA.</td>
</tr>
</tbody>
</table>

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or

B. In connection with your premises owned by or rented to you.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

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A. In the performance of your ongoing operations; or
B. In connection with your premises owned by or rented to you.
FACILITY REQUESTED:
- Murry Park
- Library
- Sports Complex
- Municipal Ballpark
- Veterans Park
- Heritage Center
- Centennial Plaza
- Hayes Fields
- Zalud Ballfields
- Zalud Park
- Zalud Garden
- Pool
- Burton Ballfields
- Other

Area/Room: [Blank]
Nature of Use: Community Event
Date of Event: Sept 20, 2008
Time: 9:00 AM to 1:00 PM
Amplified Equipment/Music: Yes No
Bounce House: Yes No
Bounce House Company:
Set-up Time:
Estimated Attendance: 250 - 300
Will Alcohol be Served: Yes No
Number of Drinking Adults ($2 per person):
Requested Requirements:

Organization: Exchange Club
Name: Pete Lara
Mailing and/or Billing Address: 4146 AVE. NO. STRATHMORE
Phone: day/Work: Cell No.: 661-4959 Evening/Home: Email: Pete2jaz@FIRMED HE1T

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

SIGNATURE: [Signature]
DATE: 08/14/08

***FOR OFFICE USE ONLY***
APPROVED: [Signature] DATE: 
POLICE DEPT. [Signature] DATE: 
RENTAL CHARGE [Signature] DATE: 
ALCOHOL PERMIT CHARGE [Signature] DATE PAID: RECEIVED BY: 
SECURITY/KEY DEPOSIT [Signature] DATE PAID: RECEIVED BY: 
ENTERTAINMENT CHARGE [Signature] DATE PAID: RECEIVED BY: 
INSURANCE REQUIRED [Signature] DATE SUBMITTED: RECEIVED BY: 
SUPERVISOR FEE [Signature] DEPOSIT RETURNED: 
SPECIAL DEPARTMENT NOTATIONS:

PARK IN DESIGNATED AREAS ONLY
Distribution: Original - Dept.; Green - Parks; Blue - Police; Yellow - Applicant
256 EAST ORANGE AVENUE, PORTERVILLE, CA 93257, PHONE (559) 791-7695
FAX (559) 791-7699, Park/facility information available @www.ci.porterville.ca.us
SEE BACK PAGE FOR RULES, REGULATIONS AND POLICIES
COUNCIL AGENDA: SEPTEMBER 16, 2008

SUBJECT: RENEWAL OF PERSONNEL EXAMINING SERVICES AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

SOURCE: Administrative Services/Human Resources

COMMENT: In order for the City to continue to participate in the written testing programs offered through Cooperative Personnel Services, the attached Test Security Agreement must be approved by the City Council. This agreement is a vital personnel tool in the evaluation process for screening and selecting qualified persons for employment. For the specific test services that the City utilizes, there is an increase of $.50 per stock test booklet.

RECOMMENDATION: That the City Council approve the attached resolution authorizing renewal of the Test Security Agreement with Cooperative Personnel Services, and authorize the City Manager or his designee to sign on behalf of the City.

ATTACHMENTS: 1) Draft Resolution
                2) Test Security Agreement

Dir. / Appropriated/Funded / CM / Item No. 16
RESOLUTION NO. ___-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE TO RENEW THE PERSONNEL EXAMINATION SERVICES AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

WHEREAS, the previous agreement for personnel examining services with Cooperative Personnel Services has expired; and

WHEREAS, such an agreement is a vital personnel tool in the evaluation process for selecting qualified persons for certain key positions.

NOW, THEREFORE, BE IT RESOLVED that the Porterville City Council does hereby authorize the City Manager or his designee to enter into and sign an agreement with Cooperative Personnel Services, for the purpose of performing examining services for the City of Porterville.

APPROVED AND ADOPTED this 16th day of September, 2008.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
TEST RENTAL AGREEMENT

This Test Rental Agreement (Agreement) is by and between Cooperative Personnel Services, dba CPS Human Resource Services, a California joint powers authority (CPS), with offices at 241 Lathrop Way Sacramento, CA 95819 and the Agency named in the signature block at the end of this Agreement (Agency, hereafter referred to as Client), and is effective as of the date it is signed by both parties.

A. Purpose. This agreement defines CPS test rental and security policies and procedures. CPS test rental security standards are designed to protect the mutual interests of all Clients that use test materials, as well as the interests of applicants who take CPS tests. In order that no person may gain special advantage by having improper access to the material, CPS requires that all users sign this agreement and fulfill its terms.

B. Ownership of CPS Tests. Client understands and acknowledges that CPS owns all rights, title and interest, including copyrights, in all CPS Tests, including stock, semi-stock, custom, and semi-custom tests. All CPS Tests that are provided under this Agreement are the property of CPS and shall remain the property of CPS, even while in the custody of Client. Additionally, semi-stock and semi-custom tests that have been constructed based on information provided by the client shall not be considered works made for hire, as that term is defined under U.S. Copyright Law. CPS shall own all rights, title and interest, including the copyright, in any test it creates for the Client. Therefore, Client shall only be allowed to use such tests in accordance with the terms of this Agreement. Ownership of individual test questions supplied by Client, if any, shall be governed by a separate agreement between CPS and Client.

C. Test Review, Ordering and Administration.

1. Review Copies. Client will be allowed to review CPS stock tests and other stock test materials (e.g., stock supplements, structured interview packages, and specialized item sets) free of charge. Client understands and acknowledges that the confidentiality of all Review Copies that CPS supplies is crucial to the continued usefulness of such materials. Therefore, Client shall be responsible for the security of all Review Copies and shall hold and store the Review Copies in a manner that will prevent loss and/or unauthorized access. Client is under no obligation to purchase exams after review. Client shall not reproduce any portion of a Review Copy under any circumstances.

2. Ordering Testing Materials and Scheduling of Examinations. At least 10-business-days prior to the test date, Client shall notify CPS of the total number of candidates in each job classification to be tested. If orders placed less than 10-business-days prior to the test date are processed, additional charges will apply. Client shall rent one test booklet per candidate to be tested. CPS shall provide Client with Test Materials including instructions for administering the test, sufficient test booklets and any other material CPS deems necessary.

3. Return of Test Materials. Within two weeks of the test date, Client shall return to CPS all Test Materials including all materials provided by CPS for the test administration, all used and unused test booklets, proctors instructions, proctors manuals, scoring instructions, key sheets, key overlays, keyed booklets, scoring keys, instructions, and any other materials generated at the test administration, such as completed answer sheets (if applicable), scratch paper, note paper and the like.

4. No Re-Use of Test Materials. Client shall not reuse the tests on the Test Date or on any other date but shall return Test Materials to CPS within two weeks of the Test Date, whether or not the test was administered.

5. Pricing. In consideration of CPS’ performance of the testing services set forth in Exhibit B of this Agreement, Client agrees to pay CPS in accordance with the Written Test Price List in effect at the time of the rental arrangements. Client acknowledges and understands that the prices set forth in Exhibit B are only effective as of the date shown in Exhibit B and are subject to change. CPS shall bill Client at the billing address provided in Exhibit A, attached hereto.

Client shall be billed for any work done on a canceled or postponed test up to the time CPS is notified of such cancellation or postponement according to the prices in Exhibit B. Under certain circumstances, and in CPS’ sole discretion, credit may be given for work already performed if the test is rescheduled.

6. No Routine Candidate Test Materials Inspection. NO CANDIDATE INSPECTION SHALL BE ALLOWED OF TEST MATERIALS

7. Candidate Answer Sheet(s) Inspection. If a candidate files a protest regarding the scoring of his or her test, inspection of a candidate’s own answer sheet(s) for the purpose of detecting whether any clerical or other error has been made in the scoring of the answer sheets shall be allowed, upon request by the Client, for a 10-business-day period immediately following the notification to the candidate of test results.

Candidates are not allowed to review the question booklet during this inspection period.

Not more than one hour will normally be allowed for answer sheet(s) review. A representative of Clients Personnel or Administrative office shall be present to assure that no changes or marks of any kind are made by the candidate on the answer sheet(s) or keyed answer sheet.

8. Payment of Charges. Client will compensate CPS for Services by paying certain fees as set forth in Exhibit B. Client will pay all invoices within thirty (30) days from receipt of invoice.

9. Late Payment. Any invoices not paid within thirty (30) days may incur a service charge of the lesser of two percent (2%) or the maximum allowable by law per month on any outstanding overdue balances. In addition, collection costs may be added to any invoice not paid within ninety (90) days.
D. Client Responsibilities and Indemnification.

1. Client shall perform all parts of the testing process which are not performed by CPS. Client has the responsibility for assuring that the testing process performed by Client conforms to any applicable laws, rules or ordinances, and for the test as a whole. Under the federal Uniform Guidelines on Employee Selection Procedures, the Client as test user is responsible for assessing the results of the selection process, and Client understands and acknowledges that it must be performed in a manner that is valid and meets other testing standards if it adversely affects groups protected by fair employment laws.

2. Client is responsible for insuring that all persons who handle Test Materials in any capacity for Client shall do so in compliance with this Agreement.

3. Subject to any applicable state Tort Claims Act, Client shall be responsible for any damage or any third party liability which may arise from the administration of a test to the extent of liability arising out of the negligence of Client.


1. Test Security. Client understands and acknowledges that the confidentiality of all Test Materials that CPS supplies is crucial to the continued usefulness of such Test Materials. Therefore, Client shall be responsible for the security of all Test Materials and shall hold and store the Test Materials in a manner that will prevent loss and/or unauthorized access. In addition, Client shall not reproduce test booklets or test questions under any circumstances.

2. Legal Proceedings Involving Test Materials. If Client receives a request for disclosure of Test Materials, such as a subpoena, or a public records or freedom of information request, Client shall notify CPS of such request immediately and well before a response is due. Upon CPS request, Client shall maintain the confidentiality of the Test Materials pending the grant or denial of a protective order or the decision of a court or administrative body as to whether the requested Test materials must be disclosed under the applicable public records statute. Client shall cooperate with CPS in seeking any relief necessary to maintain the confidentiality of the testing materials. CPS shall defend, indemnify and hold Client harmless from any claim or administrative appeal, including costs, expenses, and any attorney fees, related to CPS pursuing protection of the Test Materials from disclosure.

F. Term and Termination of Agreement.

1. Term. The term of this Agreement is one year from its Effective Date.

2. Immediate Termination upon Material Breach. Either party may terminate this Agreement immediately upon any material breach by the other party. For purposes of this Agreement, but without limiting the meaning of material breach, any breach of the test security provisions, however minor, shall be considered a material breach. Client understands and acknowledges that immediate termination by CPS may result in the withholding or recall of Test Materials.

3. Termination Without Cause. CPS and Client may terminate the Agreement without cause upon thirty days written notice to the other party.


G. Miscellaneous.

1. Notices. Any notice to the parties required or permitted under this Agreement shall be given in writing and shall be sent to the persons at 241 Lathrop Way, Sacramento, CA 95815.

2. Dispute Resolution; Remedies. (A) In the event of a dispute, the parties may agree to pursue mediation or either binding or nonbinding arbitration to resolve their dispute, under such rules as the parties may agree.

(B) If either CPS or Client determines to file a judicial action, then, in addition to any other remedies available at law or in equity, to the parties for breach of this Agreement, Client acknowledges that breach of this Agreement may result in irreparable harm to CPS for which damages would be an inadequate remedy and, therefore, in the event of a breach, in addition to its rights and remedies otherwise available by law, CPS shall be entitled to seek equitable relief, including injunction.

3. Attorneys Fees. If any legal action or arbitration or other proceeding is brought to enforce or construe the terms of this Agreement or because of an alleged dispute, breach or default in connection with any provision of this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorneys fees and other costs incurred in that action, arbitration or proceeding in addition to any other relief to which it may be entitled.

4. Waiver. The failure of any party at any time or times to require performance of any provisions of this Agreement shall in no manner affect its right to enforce such provision at a later time. Nor shall the waiver by either party of a breach of any provision of this Agreement be taken or held to be a waiver of the provision itself. No waiver shall be enforceable unless made in writing and signed by the party granting the waiver.

5. Entire Agreement; Modifications. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes all other agreements, representations and warranties. All modifications and supplements to this Agreement must be in writing and signed by both parties.

6. Counterparts; Facsimile Signature; Electronic Signature. This Agreement may be executed in any number of counterparts. If this Agreement or any counterpart is signed and then faxed or e-mailed by PDF or otherwise, the faxed or e-mailed copy bearing the signature shall be as good as the original, wet-ink signed copy for all intents and purposes.

7. Authority to Sign. The person signing this Agreement on behalf of the Client (the Principal Signer) represents that he or she is the head of the agency or is otherwise duly authorized to sign this Agreement and to bind the Client.
I. Principal Signer  By signing below, I represent the below-named person(s) is (are) authorized to handle CPS Test Materials on Clients behalf and shall handle the CPS Test Materials in accordance with the terms of the CPS Test Rental Agreement currently in effect.

<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>John D. Lollis, Deputy City Manager</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

City of Porterville
Agency

<table>
<thead>
<tr>
<th>E-Mail</th>
<th>Phone Number</th>
<th>Fax Number</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:jollis@ci.porterville.ca.us">jollis@ci.porterville.ca.us</a></td>
<td>(559) 782-7431</td>
<td>(866) 260-1032</td>
</tr>
</tbody>
</table>

291 N. Main Street, Porterville, CA 93257
Street Address, City, State, Zip

II. Additional Signees

<table>
<thead>
<tr>
<th>Name, Title</th>
<th>E-mail Address / Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wendy Blankenship, Human Resources Admin. Analyst I</td>
<td><a href="mailto:wblankenship@ci.porterville.ca.us">wblankenship@ci.porterville.ca.us</a></td>
</tr>
<tr>
<td>Josie Castaneda, Human Resources Aide</td>
<td><a href="mailto:jcastaneda@ci.porterville.ca.us">jcastaneda@ci.porterville.ca.us</a></td>
</tr>
<tr>
<td>Sheryl White, Human Resources Admin. Analyst II</td>
<td><a href="mailto:swhite@ci.porterville.ca.us">swhite@ci.porterville.ca.us</a></td>
</tr>
</tbody>
</table>

III. Billing Contact

<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheryl White, Human Resources Admin. Analyst II</td>
<td></td>
</tr>
</tbody>
</table>

City of Porterville
Agency

<table>
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<tr>
<th>E-Mail</th>
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<th>Fax Number</th>
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<tbody>
<tr>
<td><a href="mailto:swhite@ci.porterville.ca.us">swhite@ci.porterville.ca.us</a></td>
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<td>(866) 260-1032</td>
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291 N. Main Street, Porterville, CA 93257
Street Address, City, State, Zip

COOPERATIVE PERSONNEL SERVICES DBA CPS HUMAN RESOURCE SERVICES, A CALIFORNIA JOINT POWERS AUTHORITY

Howard Fortson, Ph.D.
Manager, Test Rental Division

Date
Exhibit B

CPS Test Services Rates (Effective January 1, 2008)

NOTE: Prices are Subject To Change

<table>
<thead>
<tr>
<th></th>
<th>STOCK TESTS*</th>
<th>SEMI-STOCK TEST**</th>
<th>CUSTOM TESTS**</th>
<th>AGENCY TESTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Fee (per order)</td>
<td>$295.00</td>
<td>$995.00</td>
<td>$995.00</td>
<td>$395.00</td>
</tr>
<tr>
<td>1 - 100 Candidates (per candidate)</td>
<td>$9.00</td>
<td>$14.00</td>
<td>$15.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>101 - 500 Candidates (per candidate)</td>
<td>$8.50</td>
<td>$13.00</td>
<td>$14.00</td>
<td>$9.50</td>
</tr>
<tr>
<td>501+ Candidates (per candidate)</td>
<td>$8.00</td>
<td>$12.00</td>
<td>$13.00</td>
<td>$9.00</td>
</tr>
<tr>
<td>New Item Writing/Entry</td>
<td>N/A</td>
<td>N/A</td>
<td>$35 PER ITEM</td>
<td>N/A</td>
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<tr>
<td>Cancellation Fee</td>
<td>$300.00</td>
<td>$300.00 (minimum)</td>
<td>$300.00 (minimum)</td>
<td>$300.00</td>
</tr>
<tr>
<td>Pick Up/Handling</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Standard Shipping/Handling ***</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Expedited Shipping/Handling ***</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
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</tr>
<tr>
<td>Premium Shipping/Handling ***</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Shipping outside contiguous U.S.</td>
<td>CALL FOR DETAILS</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entry Law/Fire Candidate Preparation Manuals</th>
<th>Structured Interview Packages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Quantity Per Booklet/Candidate Fee</strong></td>
<td><strong>Base Fee: $595.00</strong></td>
</tr>
<tr>
<td>10 - 1000</td>
<td>1 - 500 Per Candidate Fee:</td>
</tr>
<tr>
<td>1001+</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>$7.50</td>
</tr>
<tr>
<td></td>
<td>500+ $5.00</td>
</tr>
</tbody>
</table>

*Stock tests are prepackaged and are available only in packages of ten. CPS will apply a credit of $35.00 for each fully paid UNOPENED package of test booklets on the current STOCK test order. Clients with 49 candidates or less are billed at the number ordered or the number actually tested, whichever is greater.

**ALL REQUIRE JOB ANALYSIS WORKBOOKS

***For stock and agency exams: standard shipping applies to orders placed at least 10 business days prior to test date. Expedited shipping applies to orders placed less than 10 business days prior to test date. Orders placed less than 3 business days prior to the test date will be charged at the premium shipping rate.

***For semi-stock and custom exams: standard shipping applies to orders placed at least 15 days prior to test date. Expedited shipping applies to orders placed less than 15 business days prior to test date. Orders placed less than 5 business days prior to the test date will be charged at the premium shipping rate.

**SPECIAL SERVICES**

<table>
<thead>
<tr>
<th>Stock Supplements</th>
<th>$ 2.00 per book when ordered with a Stock test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Writing Proficiency Exam</td>
<td>$ 350.00 Base Fee + $ 15.00 per candidate (Professional Scoring included)</td>
</tr>
<tr>
<td>Cover Change of Stock or Agency Test</td>
<td>$ 100.00 + $.50 per book</td>
</tr>
<tr>
<td>Scoring Keys and Scoring Overlays</td>
<td>$ 10.00 per key or overlay</td>
</tr>
<tr>
<td>Faxing/Emailing of Test Results</td>
<td>$ 20.00 / $30.00</td>
</tr>
<tr>
<td>Re-Scoring/Hand-Scoring of Answer Sheet</td>
<td>$ 25.00 (Requested directly by Agency)</td>
</tr>
<tr>
<td>Non-specified special services</td>
<td>CALL FOR DETAILS (Billed at applicable hourly rate)</td>
</tr>
</tbody>
</table>
PUBLIC HEARING

SUBJECT: MEADOW BREEZE, PHASE 3 TENTATIVE SUBDIVISION MAP (SMEE BUILDERS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of the Meadow Breeze Phase 3 Tentative Subdivision Map to divide a 2.86± acre vacant site zoned R-1 (One-Family Zone) into 14 lots to be developed in one (1) phase for that site generally located on Castle Avenue between Mathew Street and Salisbury Street.

Meadow Breeze Phases 1 & 2 have already been constructed adjacent to the proposed phase 3. Upon construction of phase 3 of the proposed subdivision, the subdivision will be completely built out.

On September 1, 2008, the Environmental Coordinator made a preliminary determination that the project is categorically exempt from CEQA pursuant to CEQA Section 15322 Class 32 – In-fill Development. The public notice has been transmitted for a ten (10) day review period from September 5, 2008, to September 15, 2008. As of this date, no response has been submitted.

RECOMMENDATION: That the City Council adopt the draft resolution approving Meadow Breeze Phase 3 Tentative Subdivision Map subject to conditions of approval.

ATTACHMENT:

1. Complete Staff Report

ITEM NO. 17
CITY COUNCIL AGENDA: SEPTEMBER 16, 2008

PUBLIC HEARING - STAFF REPORT

TITLE: MEADOW BREEZE PHASE 3 TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Smee Builders, Inc.
444 N. Prospect, Suite A
Porterville, CA 93257

AGENT: Jim Winton
150 W. Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: South side of Castle Avenue between Mathew Street and Salisbury Street.

SPECIFIC REQUEST: The applicant is requesting approval of the Meadow Breeze Phase 3 Tentative Subdivision Map to divide a 2.86± acre vacant site zoned R-1 (One-Family Zone) into a 14 lot single family residential subdivision to be developed in one (1) phase for that site generally located on the south side of Castle Avenue between Mathew Street and Salisbury Street.

PROJECT DETAILS: The average size of the lots is 7,000 square feet. The existing vacant project site is rectangular in shape. The site fronts on Castle Avenue. The southern property line abuts the second phase of Meadow Breeze that has already been constructed. The proposed Meadow Breeze Phase 3 extends along Castle Avenue from Mathew Street to Salisbury Avenue.

GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING ZONING LAND USE:

North: County – Castle Avenue and rural residential uses.
South: City – Developed single family residential uses.
East: City – Developed single family residential uses.
West: City – Developed single family residential uses.

SUBDIVISION REVIEW: The Project Review Committee, on July 9, 2008, reviewed the proposed project. Conditions were discussed with the applicant/agent. Conditions developed as a result of that meeting have been incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City's General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances.
The proposal to develop the 2.86± acre vacant site, zoned R-1 (One-Family Zone), into a 14 lot single family residential subdivision to be developed in one (1) phase is consistent with the General Plan’s Low Density Residential land use designation and R-1 (One-Family Residential) zoning classification for the site.

The FIRM Flood Insurance Map 060407 0010 D, dated October 15, 1985, indicates that the site is located in Flood Zone C.

The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance and is consistent with the density allowed by the General Plan.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

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

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

ENVIRONMENTAL: On September 1, 2008, the Environmental Coordinator made a preliminary determination that the project is categorically exempt from CEQA pursuant to CEQA Section 15322 Class 32 – In-fill Development. The public notice has been transmitted for a ten (10) day review period from September 5, 2008, to September 15, 2008. As of this date, no response has been submitted.

DATE ACCEPTED AS COMPLETE: August 22, 2008

RECOMMENDATION: That the City Council adopt the draft resolution approving Meadow Breeze Phase 3 Tentative Subdivision.

ATTACHMENTS:

1. Land Use and Zoning Map
2. Meadow Breeze Phase 3 Tentative Subdivision Map
3. Draft Resolution of Approval
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR MEADOW BREEZE PHASE
3 TENTATIVE SUBDIVISION MAP FOR THE 2.86± ACRE VACANT SITE
LOCATED GENERALLY ALONG CASTLE AVENUE BETWEEN MATHEW STREET
AND SALISBURY STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
September 16, 2008, conducted a public hearing to consider approval of Meadow Breeze Phase 3
Tentative Subdivision Map, being a division of a 2.86± acre vacant parcel zoned R-1 (One-Family
Zone) into an 14 lot single family residential subdivision to be developed in one (1) phase for that site
generally located along Castle Avenue between Mathew Street and Salisbury Street, and received
testimony from interested parties; and

WHEREAS: On September 1, 2008, the Environmental Coordinator made a preliminary
determination that the project is categorically exempt from CEQA pursuant to CEQA Section 15322
Class 32 – In-fill Development; and

WHEREAS: The Project Review Committee on July 9, 2008, reviewed and discussed
conditions that should be considered before the City Council. These conditions have been
incorporated into the draft resolution of approval; and

WHEREAS: The City Council made the following findings:

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

   The Land Use Element of the General Plan designates the site for Low Density
   Residential development (2-7 d.u./acre). The proposed subdivision will be developed
to a density of 4.9 d.u./acre.

2. That the site is physically suitable for the type and density of the proposed
development. The vacant site is rectangular in shape. The southern property line
abuts the second phase of Meadow Breeze (already constructed). The proposed
Meadow Breeze Phase 3 extends along Castle Avenue from Mathew Street to
Salisbury Street. The site is generally flat and undeveloped.

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

ATTACHMENT
ITEM NO. 3
6. 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.

7. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

- Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
- Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix J). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
- Soils Report(s) in accordance with Chapter 18 of the California Building Code.

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

9. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months prior to recording the final map for each phase.

10. 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. A “backflow” device is required on the water meter.

11. 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.

12. 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.).

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

14. 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.).

15. 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 markings 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.

16. 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.

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

- The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
- 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.);
- Street base rock for accessibility by the public safety officials and building inspectors;
- 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;
- Lot corners are marked;
- Fire hydrants are accepted by the Fire Department and the Engineering Division.
DRAINAGE CONDITIONS

18. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. The developer/applicant shall 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.

19. The developer/applicant is advised that he/she is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

STREET CONDITIONS

20. 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.

21. The developer/applicant shall provide protection with proper signage and pavement markings around the existing oak tree on Castle Avenue. The design must be in accordance with a certified arborist report and be approved by the Director of Parks and Leisure Services. Alternate paving materials may be explored should the arborist report require certain percolation requirements near the tree.
SEWER CONDITIONS

22. 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.

UTILITY CONDITIONS

23. The developer/applicant shall move existing utility structures (e.g., 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).

24. 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. 5800 lumen streetlight spacing shall be at 160-foot intervals, staggered throughout the internal streets within the proposed subdivision.

WATER CONDITIONS

25. 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 ten (10) lots in the subdivision or four (4), whichever is greater. The model homes shall be clustered.

26. The water system, in whatever capacity it may be, shall be capable of providing: 1) 1,000 g.p.m. fire flow at each hydrant with 20 p.s.i. residual pressure for a dwelling unit less than 3,600 square feet; 2) 1,500 g.p.m. fire flow at each hydrant with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet; and 3) provide normal operating pressures between 45 psi and 80 psi. The water system shall be designed by a registered Civil Engineer.

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

28. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have the development included within a Lighting and Landscape Maintenance District. The developer/applicant shall submit with the petition the $375.00 fee. The following shall be included and maintained in said district: (1) Lighting; (2) maintenance of the oak tree along with the street median and any related special pavement; and (3) any other public improvement. The developer/applicant shall prepare an Engineer’s Report for the establishment of
assessments in order to provide for ongoing maintenance of subdivision improvements to be included within the Lighting and Landscape Maintenance District. The Lighting and Landscape Maintenance District shall be established, or the annexation into an existing District shall be concluded, and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum (90) ninety day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.

29. The project must comply with latest applicable codes.

30. 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.

31. Additional fire hydrants will be required. A hydrant will be required between lots 124/125 and 131/132. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

32. Fire hydrant spacing shall be as follows:
   In **residential development**, one hydrant shall be installed at 500-foot intervals.

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

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Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By _______________________
   Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: SEPTEMBER 16, 2008

PUBLIC HEARING

SUBJECT: REQUEST TO AMEND FEE SCHEDULE TO ESTABLISH FEES FOR SERVICE FOR 300-FOOT RADIUS MAPS AND LABELS FOR NOTICING OF PUBLIC HEARINGS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Staff currently receives 300-foot maps and mailing labels for all permit applications that require public noticing. These maps and labels are provided by the applicant and are typically prepared by the Tulare County Resource Management Agency (RMA) or a local title company.

Recently, staff has received labels that were incomplete, which resulted in citizens not getting proper noticing of projects in their neighborhood.

Municipal Code Section 21-20.1 Notice of Hearing states the following:

Notice of the time and place of any public hearing on a particular matter shall be given by the city council or the city clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred feet (300') of the outer boundaries thereof.

Staff is proposing that the City take on the task of generating these maps and labels and is recommending adoption of a new service fee of $26.50 for providing this service. Additionally, an applicant/project proponent shall have the option to provide sufficient postage or be additionally assessed the cost of postage for each public notice based on the radius map and labels produced by staff. It is important to note and clarify that as the number of property owners within a 300 foot radius of a proposed project may vary, so too will the amount of postage and notices to be prepared. The proposed fee, if approved, will automatically be added to fees associated with projects requiring public noticing. The time required for processing the service is estimated at 30 minutes. The proposed fee is based on one-half of the hourly rate for the Planning Technician and Secretary plus the labels, computer, software, printer, and ink. Staff believes this fee will provide for the costs associated with providing the service.
Staff believes that a major benefit to providing this service will be in assuring that maps and property owner lists are complete for Noticing of Public Hearings. Additionally, project proponents may save time and trips to the Tulare County RMA or title companies. The City’s contracted title company, Chicago Title, provides the same service for $75.00 and the Tulare County RMA charges $50.00.

RECOMMENDATION: That the City Council:

1) Approve the resolution adopting the service fee for 300-foot radius maps and mailing labels as proposed; and

2) That the effective date shall be September 17, 2008.

ATTACHMENTS:

1. Draft Resolution
2. Detail of Anticipated Expenses
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE SETTING FEES FOR
300-FOOT RADIUS MAPS AND MAILING LABELS FOR PUBLIC NOTICING

WHEREAS, on September 16, 2008, a public hearing was held and testimony was received concerning the appropriate application fee to be imposed under Section 2-112 (Fees and Service Charges) and Section 2-113 (Statutory Public Hearing) of the Municipal Code; and

WHEREAS, pursuant to Section 21-20.1 notice of the time and place of any public hearing on a particular matter shall be given by the city council or the city clerk by mailing in the United States mail a written notice thereof, not less than ten (10) days prior to such hearing, to every person whose name and address appears on the latest available assessment roll as an owner of the property within the territory covered by such proposed change and within three hundred feet (300') of the outer boundaries thereof; and

WHEREAS, the City has had problems with receiving a complete list of property owners and mailing labels for the purpose of noticing public hearings; and

WHEREAS, the City does hereby desire to provide this service to correct the problem; and

WHEREAS, the City does have knowledgeable staff and equipment necessary for this task.

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

1) That the service for providing 300-foot radius maps and labels for projects requiring Noticing of a Public Hearing does not require a permit or application.

2) That it is estimated to require one-half hour for Planning Technician and Secretary Staff to process a completed 300-foot radius map and property owners labels list.

3) That fees for services provided by Staff will be collected based on a resolution adopted by the City Council.

4) That this fee shall include a prorated portion of an hour based on the Planning Technician and Secretary average hourly rate of $21.00 and $18.00 for Staff time, plus the labels, computer, software, printer, and ink. As such, the fee of $26.50 is an appropriate rate for the service.
5) That the applicant/project proponent shall have the option to provide sufficient postage or be additionally assessed the cost of postage for each public notice based on the radius map and labels produced by staff.

This Resolution shall become effective on September 17, 2008.

ADOPTED this 17th day of September, 2008.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk
ANTICIPATED EXPENSES FOR PROCESSING
300-FOOT RADIUS MAP AND PROPERTY OWNERS LIST

Proposed Amendment to
City of Porterville
Fee Schedule

It is estimated to require staff 30 minutes or 0.50 hours to process a 300-foot radius map and property owners list. The estimated time for processing includes review of a completed map and property owners list meeting City Standards.

- At a rate of $21.00 per hour (Planning Technician), a half of an hour (30 minutes) equates to a rate of $10.50.
- At a rate of $18.00 per hour (Secretary), a half of an hour (30 minutes) equates to a rate of $9.50.
  - Labels $2.00
  - Ink $1.00
  - Electricity $0.50
  - Computer $1.00
  - Software $1.00
  - Printer $1.00

= $26.50

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CITY COUNCIL AGENDA: SEPTEMBER 16, 2008

PUBLIC HEARING

SUBJECT: HILLSIDE DEVELOPMENT ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: At the August 5, 2008 City Council meeting the Council reviewed the administrative draft of the proposed Hillside Development Ordinance. The purpose of the Hillside Development Ordinance is intended to facilitate the orderly development of property within the hillside areas through a set of hillside development goals and standards aimed at protecting the public health, safety and welfare; protecting and preserving natural and biological resources for the long-term benefit of the Porterville community and the broader community; recognizing the inherent value in the properties subject to this ordinance; allowing size, type, location, density, and intensity of development based on available infrastructure, the geographic steepness of terrain, presence of unique geographic conditions and constraints, presence of environmentally sensitive areas; and optimizing the use of sensitive site design, grading, landscape architecture, and architecture, all to achieve the City’s objectives.

At the August 5, 2008 City Council meeting a number of concerns were raised by Jim Winton, a local Civil Engineer who has represented a number of clients proposing development in the hillside areas. Mr. Winton’s concerns were predominantly related to submittal requirements for subdivision maps.

Staff was instructed to meet with Mr. Winton to discuss his concerns and refine the Ordinance if needed. Staff has met with Mr. Winton and discussed his concerns with him and has made a number of changes to the ordinance to address those concerns. Staff believes that the changes are beneficial and are consistent with the intent of the ordinance.

RECOMMENDATION: That the City Council approve the proposed Hillside Development Ordinance and give first reading to the draft ordinance.

ATTACHMENTS:

1. Staff Report from the August 5, 2008 City Council Hearing
2. Draft Hillside Development Ordinance with Changes Marked
3. Draft Hillside Development Ordinance

Appropriated/Funded CM Item No. 19
SUBJECT: HILLSIDE DEVELOPMENT ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT:

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

BACKGROUND:

The following public meetings have taken place in the preparation of the Hillside Development Ordinance:

- September 6, 2005 – City Council adopted an Interim Urgency Ordinance regulating development for the protection of the hillside areas.
- October 18, 2005 – City Council approved the first extension of the interim ordinance and removed certain provisions requiring the submittal of additional information intended to provide clarity on what the ultimate project would look like.
- February 13, 2006 – City Council approved the second extension of that ordinance to February 13, 2007.
- November 21, 2006 – City Council held a special Study Session to discuss certain aspects of the draft ordinance.
- December 1, 2006 – City Council held a special Study Session review to review the status of the project.
- February 2, 2007 – City Council held a special Study Session to give staff direction regarding the creation of the ordinance.
- October 30, 2007 – City Council held a special Study Session to examine case study prepared to analyze effectiveness of draft policies.

Council’s interest in the hillside area of the city has consistently been expressed as wanting to encourage/facilitate hillside development to balance out growth, conserve prime farmland, proved an additional housing opportunity, and spur on revitalization of the eastern side of the community. This is evidenced by actions previously taken by the Council to create a hillside advisory committee, to prioritize the creation of the hillside ordinance, adjust fees for low

DD_____ Appropriated/Funded_____ CM_____
density development in the hills, undertake capital improvement efforts to improve water service in the hillside areas to facilitate development, and establish an Interim Urgency Ordinance regulating new proposals for hillside development.

The City of Porterville’s current standards for hillside development typically result in limited certainty as to the outcome of development there, as well as limited ability to consider slopes and other features in neighborhood design. Over the years, the City has seen a number of subdivision maps proposed for the hillside areas while few have been developed. It appears that maps have typically been intended for speculative development that has rarely materialized. The fundamental approach of this ordinance is to require the necessary information and define development requirements to the extent that the city decision makers can clearly understand the outcome of a development proposal in the hillside area and have the tools they need to require functional and quality neighborhoods.

ANALYSIS:

Significant public and Council input went into creating the current draft of the Hillside Development Ordinance, and the current draft is the best reflection possible of our shared community values, viewpoints, and desires, based upon this input. The Hillside Development Ordinance is intended to provide development that is consistent with, and serves to implement, the goals and policies of the Porterville General Plan. Specific regulations and standards address the following City objectives:

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

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

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

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

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

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

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

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

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

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

This ordinance applies to all properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City's official Sphere of Influence that are designated as Hillside Development Zone on the City of Porterville's General Plan Land Use Diagram.

The draft ordinance prohibits grading, erecting, or constructing into, over or on top of property within the Hillside Development Zone without first obtaining appropriate permits for Hillside Development. The following actions and activities, however, are exempt from the requirement for a Hillside Development Permit in the draft ordinance:

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

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

3. The re-grading of existing yard areas for landscaping installation provided such re-graded yard area does not exceed 2,500 square feet in area.

4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that do not involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

5. Additions to existing structures and/or construction of accessory structures which are less than 500 square feet in area, unless a grading permit for establishment of same is required.

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

7. Grading of flat areas in excess of 1,000 square feet including, but not limited to, such items as tennis courts or riding arenas are NOT exempt.
ENVIRONMENTAL: A negative declaration was prepared for this project pursuant to the requirements of the California Environmental Quality Act. No further environmental review is needed.

RECOMMENDATION: Approve the proposed Hillside Development Ordinance and give first reading to the draft ordinance.

ATTACHMENT: Attachment 1 – Draft Ordinance
Section 240.00  Purpose and Intent

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

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

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

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

3. To provide for hillside development that maintains the integrity of the hillsides' natural characteristics and features.

4. To ensure the ridgelines that frame the City of Porterville will be preserved to the greatest extent possible.

Hillside developments should be designed with respect to natural hill characteristics and development intensity appropriate for the area.
5. To facilitate the protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

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

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

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

9. To promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas.

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

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

12. To require that infrastructure such as but not limited to roads, utilities, drainage, and sound attenuation barriers serve both a utilitarian and aesthetic purpose.

13. To ensure that open space is an integral part of subdivision design.

*Significant Ridgelines shall be preserved.*
Landscaping shall be used for aesthetic enhancement, erosion control and transition to natural open space areas.

14. To provide areas where residents can enjoy active and passive recreation.

Open space shall be an integral component of subdivision design, with developed open space areas

15. To ensure that proper landscape setbacks are provided to separate residential uses from non-residential uses and to allow for transitions between natural open space and development.
Bioswales and similar natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

16. To ensure that the circulation system is a beneficial element in the hillside development setting and maintains, to the greatest extent possible, the natural characteristics of a hillside environment.

17. To ensure quality development that blends with the hillside environment, and to create neighborhoods that display a cohesive and harmonious form and complementary architectural styles.

18. To minimize resource consumption through the use of a drought-tolerant native plant palette.
Section 241.00 Administrative (Applicability and Permit Requirements)

A. This Article applies to all properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City's official Sphere of Influence, as may be amended from time to time, that are designated H-D Zone on the City of Porterville General Plan Land Use Map.

B. No person shall grade, erect, or construct into, over or on top of property within the H-D zoning district without first obtaining a Hillside Development Permit (HDP), except as otherwise provided for in the article.

Section 241.01 Hillside Development Permit Approving Authority

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

B. If no other development permits are required by this Article or other provisions of the Municipal Code, then the property owner or duly authorized agent may submit an application for an Administrative Hillside Development Permit. The Zoning Administrator shall have the authority to approve, conditionally approve, or deny an application for an Administrative Hillside Development Permit in the same manner as set forth in Article 30, Section 3002 of the Zoning Ordinance.

Section 241.02 Review Procedure and Cost Recovery

A. Administrative Hillside Development Permit

An Administrative Hillside Development Permit shall be processed in compliance with the procedures set forth in Article 30, Section 3002 of the Zoning Ordinance. (Requires an amendment to Article 30). The Zoning Administrator or designee may refer an Administrative Hillside Development Permit to the City Council, in which case, the City Council acts as the Director and follows the procedures outlined in Article 30 of the Zoning Ordinance.

B. Hillside Development Permit

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

Section 241.03 Exemptions from Hillside Development Permit

A. Notwithstanding the provisions of Section 241.00, the following actions and activities are exempt from the requirement for a Hillside Development Permit, except that all development in the Hillside Development Zone shall comply with hillside development standards set forth in this Article:

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

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

3. The re-grading of existing yard areas for landscaping installation provided such re-graded yard area does not exceed 2,500 square feet in area.

4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that do not involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

5. Additions to existing structures and/or construction of accessory structures located entirely on the existing pad area and are less than 500 square feet in area, unless a grading permit for establishment of same is required.

6. Any project that has received final approval for construction prior to the effective date of this Article, provided that such permit or approval has not expired or is not otherwise revoked.

Section 241.04  Land Use Regulations

A. Uses Requiring a Hillside Development Permit

The following uses require a Hillside Development Permit:

1. Single-family dwelling unit, detached or attached.

2. Second dwelling units, subject to the regulations contained in; Article 30, Section 3009 of the Zoning Ordinance and state law.

3. Detached garages, up to a maximum of 1,500 square feet in gross floor area.

4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

5. Tennis courts, basketball courts, and similar sports courts, subject to the issuance of a grading permit and required building permits.

6. Public and private parks.

7. Landscaped parkways and medians, landscaped slopes, and similar other open spaces.

8. Riding and hiking trails for pedestrians, equestrians and non-motorized vehicles.

9. Residential care facilities serving six or fewer mentally or physically disabled, disordered, or dependent persons.

B. Uses Requiring an Administrative Hillside Development Permit

The following uses of land shall be subject to the granting of an Administrative Hillside Development Permit in compliance with the regulations contained in Article 30 of the Zoning Ordinance of this title.

1. Lighting of tennis courts, basketball courts, and similar sports courts.

2. Accessory structures containing more than 500 square feet of gross floor area.

3. Detached garages containing more than 1500 square feet in gross floor area.

4. Stables, corrals, and similar facilities for the private noncommercial keeping and containment of animals.

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C. Permitted Accessory Uses

The following are permitted as accessory uses clearly subordinate to the principal use of the property.

1. Animals and poultry as follows:
   
   (a) Small domestic pets, such as cats, dogs and birds as permitted in the Porterville Municipal Code.

   (b) Educationally oriented agricultural projects similar but not limited to 4-H and FFA projects, recognized youth organizations and school projects, when conducted in compliance with the public health and animal laws of the city, subject to the stipulations of paragraph (c) of this section.

   (c) Bovine animals, horses and other equine animals, sheep and goats where the lot area is twenty thousand (20,000) square feet or more and provided that the shelter for such animals shall not be closer than fifty (50) feet to any residence, including that of the owner. The minimum lot area of twenty thousand (20,000) square feet shall be required for each additional adult animal. Any building or shelter housing such animals shall not be closer than ten (10) feet to any property line. The keeping of all animals or poultry mentioned herein shall conform to other provisions of law governing same. The restrictions of this subparagraph relating to animals and poultry mentioned herein shall not apply when the area of any one (1) farm or ranch exceeds ten (10) gross acres.

2. Flower and vegetable gardens, agricultural crops, orchards, vineyards and horticultural collections.

Section 241.05 Application Filing Requirements

The following information is supplemental to the basic requirements for submittal of subdivision maps, information and/or other entitlement applications required for review by the Project Review Committee and City Council. The specified data shall be submitted concurrently with all required application forms and fees. Where appropriate, the following information may be combined onto submittal exhibits. The submittal of applications for parcel maps, containing four or fewer lots, shall only require items A, B, D, and E.

A. Topographical Map

A topographical map at a scale specified in development applications. This map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, federally recognized blue-line streams or Waters of the United States, rock outcroppings, existing manmade features, mines, and existing vegetation. The topographic map shall include areas of protected plant or animal communities identified in the biological resource survey report described in Section 241.05G.2. Also depicted shall be known landslides and other existing geologic conditions.

B. Conceptual Grading Plan

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

1. Top of walls
2. Top of curbs
3. High point and low point elevations
4. Pad and/or finished floor elevations
5. Areas of cut and fill, calculated as a percentage of the total site area
6. Contours for existing and proposed topography. Existing contours shall be depicted with a dashed line with every fifth contour darker, and proposed contours shall be depicted as above except with a solid line. Contours shall be shown at minimum intervals of 5 feet of change in elevation, with 2-foot contours shown in the flatter areas below 10%
7. Lot and pad dimensions, along with a statistical summary of lot and pad sizes.
8. Design of roads and driveways, including average grades indicated, as well as areas of the steepest grade
9. Lot drainage, including the gradient of the drainage and flow velocities

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

D. Slope Analysis Map
1. A detailed slope analysis map to use in determining the average slope and the amount and location of land as it exists in its natural state. For the slope analysis map, the applicant shall use a base topographical map of the subject site, prepared and signed by a registered civil engineer or licensed land surveyor. The map shall have a scale of not less than 1 inch to 100 feet and a two (2) foot contour interval. This interval may be adjusted with the approval of the Community Development Director and City Engineer on the basis of good engineering principles. This base topographical map shall include all adjoining properties to the extent necessary to determine impact to neighboring properties to portray the site’s context. The slope map shall delineate slope bands, with monochromatic but distinct colors for the following slope ranges:
   a. Up to 5.9%
   b. 6% to 10.9%
   c. 11% to 20.9%
   d. 21% to 25.9%
   e. 26% to 30.9%
   f. 31% to 50%
   g. Greater than 50%
2. Also included shall be a tabulation of the land/area by slope percentage specified in acres. Such slope map shall be prepared using CAD-based or GIS-based software specifically designed for such purpose and approved for such use by the City Engineer.
3. A calculation of the average slope of the entire parcel. Such calculation shall be performed by using the average percent slope formula as follows:
   \[ S = \frac{(0.00229 I L)}{A} \]
   Where \( S \) = Average percent slope
   \( I \) = Contour interval, in feet

Section 241 - Administrative
Section 242.00 Hillside Grading - Subdivision Design

A. Significant Ridgelines

1. Significant ridgelines are those ridgelines characterized by any combination of the criteria specified below.
   a. The ridgelines that surround or visually dominate the surrounding valley landscape either through their size in relation to the hillside or mountain terrain of which they are a part.
   b. Their visual dominance as characterized by a silhouetting appearance against the sky.
   c. A significant natural backdrop feature or separation of communities.
   d. Visual dominance due to proximity and view from existing development or major corridors.
   e. As an area of significant ecological, historical, or cultural importance, such as those that connect park or trail systems.

2. The Official Significant Ridgeline Map, incorporated herein by reference and identified on the City's 2030 General Plan Land Use Diagram, identifies crests of significant ridgelines in the City for the purpose of this Article and specifically, this Section 242.00. The precise delineation of a ridgeline shall be determined at the time a development application is received based on Official Significant Ridgeline Map and the criteria in subparagraph 1 above.

B. Ridgeline Preservation

1. No grading or improvements shall occur within 100 feet of a designated and delineated significant ridgeline area, as measured horizontally on a topographic map prior to any grading or improvements. A Significant Ridgeline area is determined by the Significant Ridgelines Map identified on the City's 2030 General Plan Land Use Diagram on file at the Community Development Department except as approved by a Hillside Development Permit as in compliance with Section 241.05 No portion of any structure shall be closer to a designated and delineated significant ridgeline area, as measured 50 feet vertically from a cross section of the area.

2. No engineered slopes, housing construction, streets, utilities, excavation, or other permanent human-made features shall be permitted within any significant ridgeline area, as the same is determined by the Significant Ridgelines Map identified on the City's 2030 General Plan Land Use Diagram on file at the Community Development Department. Exceptions may be granted as part of the Hillside Development Permit process if findings are made that:
   a. the encroachment into a significant ridgeline area will be in compliance with the intent and purpose of this Article and the specific criteria set forth herein;
   b. that conditions of approval applied via the Hillside Development Permit will implement the provisions of this Article.
Section 242.01    Grading

A. General Grading Requirements

1. Landform grading techniques such as varying slope height, rounding tops and toes of slopes, and incorporating variable gradients shall be used to ensure that manufactured slopes mimic natural hill forms. Landform grading shall be used for all post-disturbance conditions unless determined by the Community Development Director and the City Engineer that landform grading is not feasible due to soils conditions, encroachment into sensitive biological resource areas, protection of watersheds or watercourses, or other similar considerations. Findings shall be recorded as part of the Hillside Development Permit record as to why landform grading is not feasible. Grading should be kept to a minimum and should be performed in a way that preserves significant natural features and visually blends with adjacent properties. Factors to be considered include the...
natural features of the site, slope and soil characteristics, vegetative cover, access to the site and orientation and visibility of both the site and the proposed development.

Figure 242.01.A
Landform grading techniques will resemble natural slopes.

2. Super slopes, as defined by Section 242.01.C of this Article, shall be used in areas of high on-site and off-site project visibility, as determined by the viewed analysis required for the Hillside Development Permit described in Section 241.05 (Application Filing Requirements) of this Article, to allow for visual breaks between terraced rows of housing units and to provide areas where landscaping can be used to soften the appearance of hillside development. Super slopes shall integrate manufactured slopes with natural slopes to give the appearance of a continuous natural landform.

3. Construction of artificial ridgelines shall be used to mask the view of dwelling units on a hillside from off-site locations, to preserve the appearance of a natural undeveloped hillside, and to preserve the appearance of open space.

4. A combination of bermsing and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

5. Slopes which are readily visible from existing or proposed public right-of-way shall be landform graded.

6. Grading of any site shall conform to the following grading standards, based upon the percent of average slope.
   a. 6 - 15% - Redistribution of earth over large areas may be permitted.
   b. 15 - 20% - Some grading may occur, but landforms should retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering are expected to mitigate the need for large padded building areas.
   c. 20 - 25.9% - Grading will be minimal, custom homes sites and access should follow the natural slope of the ground, custom foundations and split level design required to reduce disturbance.
d. 26.0% and steeper - No grading shall be allowed other than house pad and access to pad.

e. Minimize pad size to accommodate the structure and a reasonable amount of open space. A maximum of the remaining lot area should be kept in the natural state of the original slope.

f. Sloping lot designs, such as split level building terraces are encouraged to reduce pad size.

g. Minimize grading within 20 feet of all perimeter property lines of the project site, unless the grading naturally conforms to the existing adjacent slopes or to the planned grading of the adjacent slopes.

Figure 242.01.B
Double loaded street - 10% Slope Condition
Figure 242.01.C
Single loaded street - 17% Slope Condition

Section 242 Grading and Subdivision Design
B. Prohibited Grading Practices

1. The cutting of significant ridgelines is prohibited.

2. Graded slopes that are characterized by linear (in plan), planar slope surfaces with unwavering gradients and angular slope intersections are prohibited.

C. Super Slope Requirements

The use of super slopes shall be required for the conditions set forth in paragraph Section 242.01.A2 above. The following standards shall be applied in the design of super slopes.

1. On any property for which a Hillside Development Permit application has been submitted and the vertical distance between the lowermost elevation on the property and the uppermost elevation is 60 feet or greater, at least 40 feet of vertical height shall be achieved by terraced manufactured slopes. Such manufactured slopes shall be at most 10 feet shorter or at least 10 feet taller in height than the height of the structure built on the toe of the manufactured slope. (See Figure 242.01.E).
2. Manufactured slopes shall complement the adjacent natural slopes in terms of hill form and slope height.

D. Berming

1. Any berm 3 feet or greater in vertical height shall be landform graded no steeper than 3:1.

2. All berms shall have varying slope gradients and rounded tops with a horizontal dimension half the vertical height of the berm.

3. Berms shall be applied to screen utilitarian features such as water tanks in a hillside project.

4. Landscaping materials used on berms shall be drought tolerant and fire resistant and must be approved by the Parks and Leisure Services Director.
E. Slopes between Residential Pads

Where there is at least a 4-foot elevation difference between residential flat pads, slopes shall be contour graded no steeper than 2:1.

F. Road Systems along Project Edges

Road systems shall be placed along project edges to the greatest extent practicable to maximize the use of aesthetic landscape buffers surrounding a development and to buffer residential neighborhoods from vehicular traffic. Project edges along roadway systems shall consist of varied slope and landscape treatments to provide visual interest.
Road systems shall be placed along project edges to create a buffer between the project and adjacent land uses. This strategy, as illustrated above, can also provide a way to take advantage of panoramic views.

G. Use of Loffelstein and Similar Living Walls

The use of Loffelstein walls and other similar living wall systems that allow for landscaping opportunities with planting pockets and stepped designs is required. Such wall shall be subject to the following development standards:

1. The minimum height shall be 15 feet, with a maximum height of 30 feet.

2. Such walls shall utilize a curvilinear slope pattern to mimic the appearance of natural hillside terrain.

3. Such walls shall be planted with landscape material suitable for the climate, wall exposure relative to the sun, and taking into consideration the landscape aesthetic effect to be achieved by the overall development. The color palette and materials selected for the retaining wall shall blend in with adjacent hillsides and landscape plant palette.

Loffelstein walls and similar living wall systems retain large amounts of earth while providing planting pockets for landscaping. Once landscaping matures, the wall will be masked and have a softer appearance than a hardscape wall surface.
H. Contour Construction and Materials

Retaining walls shall follow the natural contours of the slope to the greatest degree practicable, and all materials used to construct retaining walls shall consist of native stone, poured-in-place concrete, pre-cast concrete block, and shall be of a color and texture that mimic the color and texture of surrounding native plant materials.

I. Height Standards

The cumulative height of any retaining wall built to retain a cut slope or fill slope shall not exceed 6 feet in height. Cumulative height shall mean the combined height of any wall or series of walls required to retain a single slope.

Section 242.02 Site Drainage Improvements

A. General

Site and subdivision features required and designed to control and retain stormwater and other runoff pursuant to the requirements of City ordinances and other pertinent regulations shall be fully integrated into the design of the subdivision. Such features shall be designed and located to account for natural drainage patterns, integration of open space into overall subdivision design, location of trails and other mobility corridors, and placement of subdivision entry enhancements or other aesthetic features.

![Figure 242.02.A](image)

Natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

B. Materials and Color

Water retention and detention features shall consist of natural earth and plant materials that must be approved by the Parks and Leisure Director. Concrete or similar hardscape materials shall not be permitted unless determined by the City Engineer to be the only feasible method of capturing and conveying runoff. Wherever concrete or similar structures are necessary, per drainage and storm water control plans approved by the City Engineer, such structures shall use integral color concrete to blend with surrounding color palette that blend with the natural environment.
C. Detention Basins

1. A detention basin area with gentle slopes (defined as 3:1 or less) and lined with turf or natural material such as rock may be used as an entry feature. Detention basins shall not be eligible for open space, park credit, or any fee credit.

2. Detention basin side slope ratios greater than 3:1 are prohibited.

D. Bioswales

1. Bioswales shall be used to collect surface runoff before it crosses pavement areas and to reduce ponding and damage to walkways. Bioswales shall be graded to direct water away from paved areas into detention basins prior to conveyance to the City drainage system per master plan.

![Figure 242.02.B](image)

*Figure 242.02.B*

Bioswales planted with native rocks and vegetation shall be used to the maximum extent to serve as a hillside community's drainage system.

2. Bioswales shall consist of primarily herbaceous plants whose stems and leaves retard water flow and help settle pollutants, and which, with the aid of the roots, decompose into the soil.
Section 242.03 Street Requirements and Design

A. Minimum Number of Access Points

New hillside development projects shall have a minimum of two points of vehicular access, one of which may be established for emergency access only, as determined by the Fire Chief through the Hillside Development Permit review process.

B. Street Design Standards

All streets shall be designed and constructed in accordance with the following standards.

1. Street sections shall be designed in accordance with street standards and specifications adopted by the City and as revised from time to time. In addition to such adopted standards, the following street standards shall apply to development in the Hillside Residential zone.
   a. The maximum length of any cul-de-sac street shall be 600 feet unless approved otherwise by the Fire Chief and City Engineer.
   b. All streets shall contain two clear 12-foot travel lanes.

2. Split Level Streets

Where split level streets are used, the following standards shall apply.

Figure 242.02.C
Bioswales shall incorporate landscaping and gentle slopes.
a. The use of split level roads is permitted to reduce the amount and visual effect of grading (Figure 242.03.A).

b. The ground slope between the two traffic ways shall be of a ratio not less than 2:1.

Figure 242.03.A
Use of split level roadways is permitted and encouraged where such design can be used to facilitate landform grading. This type of road can also maximize the view opportunities in the hillside setting.

3. Street grades shall not exceed the following except as may be modified by the City Council in compliance with the Porterville Municipal Code. The maximum length of street runs at the maximum specified grade shall be subject to the review and approval of the Fire Chief, or their respective designees. Minor adjustments to street grades shall be subject to the review and approval of the Fire Chief and the City Engineer.

a. Primary Arterials shall be no steeper than eight percent (8%).

b. Secondary Arterials shall be no steeper than ten percent (10%).

c. Collector Streets shall be no steeper than ten percent (10%).

d. Local Streets shall be no steeper than ten percent (10%).

e. Loaded Local Streets shall be no steeper than eight percent (8%).

f. Intersections shall be at six percent (6%) grade or less.

g. Local Streets can have a minimum centerline radius of 150 feet provided minimum sightline distances are met.

h. Street grades at fire hydrant locations shall be no steeper than seven percent (7%) for no less than twenty feet (20') on each side of hydrant.
C. Private Streets

1. Private streets and alleys shall not be permitted unless approved by the City Council and, if approved, all private streets or alleys shall be constructed to City standards. (Chapter 21, Article III, Section 21-3(j))

2. Driveway grades shall not exceed twelve percent (12%) unless otherwise approved by the Fire Chief and City Engineer. The finished grade of the driveway shall conform to the finished grade of the lot. Proper design consideration shall be given to vertical curves and parking landings.

3. Common drives in single family hillside residential development should be considered if grading is reduced by their use. Common easement maintenance agreements are required for common driveways.

E. Driveways

1. Driveways that are less than 150 feet (150') in length shall be a minimum of twelve feet (12') wide.

2. Driveways between 150 feet (150') and 400 feet (400') shall be a minimum of 16 feet (16') wide.

3. Driveways that are greater than 400 feet (400') in length shall be subject to the approval of the Fire Chief.

4. Grade changes through driveway approaches and transitions shall not exceed ten (10) degrees.

5. Driveways shall be paved with asphalt or Portland Cement Concrete (PCC). PCC or an approved alternative shall be used when grades exceed twelve percent (12%).
Hillside Landscape Requirements

Section 243.00  Open Space

A. Landscaping Required

Landscaping is an essential part of the site development by assisting in adapting the development into the natural backdrop of the hills, by providing areas of open space for use by residents and for assisting in slope stabilization, erosion control and filtering of pollutants from stormwater.

Figure 243.00.A
Open space shall be integral component of subdivision design, with developed open space areas

Section 243.01  Types of Open Space

A. Types of Open Space

Open space in the Hillside Development Zone shall consist of two general types of open space:

1. Natural Open Space, which shall be defined as undeveloped areas retained in their naturally occurring condition with regard to landform, vegetation, and water features; with the exception of walking trails and viewing platforms.

2. Developed or Improved Open Space, which shall be defined as any area not occupied by structures that has been improved with landscaping, trails, recreation amenities, and similar features that provide opportunities for active and passive recreation, and that provide landscape improvements that enhance the overall appearance and character of a development.
B. Use of Natural Open Space

Undeveloped open space shall be left in its natural state, with permitted improvements limited to the establishment of trails and associated viewing areas established as community open space.

Section 243.02 Open Space Requirements

A. Requirement to Provide Developed Open Space

Developed Open Space shall be provided for attached residential development as set forth in Table 244.03.B.2 and Zoning Ordinance Article 3, Section 305 and as otherwise required for this Article to meet general landscaping, slope treatment, and parkway landscaping requirements.

B. Deed Restrictions

Any lands dedicated for open space purposes shall contain covenants and recordable deed restrictions burdening the subject property, in a form and content approved by the City Attorney, ensuring that:

1. The open space area will not be subdivided in the future;
2. The use of the open space will continue in perpetuity for the purpose specified;
3. Appropriate provisions will be made for the maintenance of the open space that clearly define future maintenance responsibilities; and
4. Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee, unless otherwise authorized by policy or law.

C. Open Space Ownership

1. The fee title owner or easement holder of an interest in the land that is dedicated for open space purposes shall be selected by the property owner, developer, or subdivider, subject to the approval by the Zoning Administrator or City Council. The ownership may vest in, but not be limited to, the following:
   a. The City, subject to acceptance by the City Council of a recordable interest.
   b. Other public jurisdictions or agencies, subject to their acceptance.
   c. Quasi-public and non-profit organizations, subject to their acceptance.
   d. Homeowner associations, landscape maintenance districts or other similar organizations.

2. The City may, in its reasonable discretion, require that the applicant establish a mechanism to fund the long-term maintenance of such open space, which may include a cash deposit, an assessment district, trust, or other appropriate funding mechanism.

D. Maintenance

The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance as set forth in Section 243.02.B, unless the City authorizes alternate maintenance strategies.

E. Required Planting Areas

Slopes requiring retaining at a height greater than 3 feet shall be terraced for planting areas. Such planting areas shall have a minimum width of 6 feet. No more than two terraces of retaining walls shall be permitted on one manufactured slope.
F. **Irrigation Systems Required**

   All planting areas shall be provided with an automatic irrigation system.

G. **Landscaped Parkways Required**

   1. All public streets shall include a landscaped parkway as indicated in the General Plan.

   2. Such required parkways shall be landscaped as set forth in Section 243.03.B of this Article, including specifically Section 243.03.E (Drought-Tolerant/Native Vegetation).

**Section 243.03 Landscape and Irrigation Plan Requirements**

A. **Landscape and Irrigation Plan**

   1. All proposed new development shall require approval of a conceptual landscape plan. Complete landscape and irrigation plans shall be submitted as part of the building permit application process. Such plans shall be subject to the review and approval of the Parks and Leisure Services Director and the Fire Chief.

   2. All landscape and irrigation plans shall include all information required by the City and shall be designed to ensure slope stability, fire safety, and design quality, as well as a tree removal and retention plan with the following information:

      a. Identification of the extent of vegetation removal required for site preparation and development; and

      b. The location and species of individual trees of 6-inch caliper or more. Maximum effort should be exercised to retain existing trees in place.

   3. The Community Development Director may waive the landscape and irrigation plan requirement for additions and remodeling where no or only minor alterations to the existing landscape or topography are proposed.

   4. All landscaping shall be planted and maintained in compliance with approved plans.

B. **General Landscaping Standards**

   1. All portions of a site where existing vegetative cover is damaged or removed, or consists primarily of weeds (typically unwanted plants that grow aggressively and are damaging to landscaping), and are not otherwise covered with new improvements, must be...
successfully re-vegetated with a substantial mix of native and/or drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

2. A combination of berming and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

3. Plants with similar water requirements shall be grouped together in hydrozones.

4. Prior to planting, consideration of soil compaction shall be used to determine planting pit depths and drainage.

5. The Community Development Director and the Parks and Leisure Services Director shall have the authority to require other improvements such as the removal of dead or diseased trees and the thinning of trees or other vegetation to encourage desirable growth.

C. Tree Removal and Replacement

For each existing native tree or shrub removed or damaged with a combined caliper equal to or greater than 6 inches at 4 feet above finish grade, a 24-inch box minimum replacement tree or shrub of the same genus and species or as otherwise approved by the Parks and Leisure Director shall be planted on the site. For trees equal to or in excess of an 8-inch combined caliper, the replacement tree shall be a 48-inch box or larger of the same genus and species. Should a tree of the same genus and species not be available, the applicant shall submit reasonable proof of general unavailability in the region, and a list of no less than five substitutes, one of which shall be of the same genus, for approval by the Parks and Leisure Services Director.

The Parks and Leisure Services Director may approve a substitute or may require provisions, including but not limited to bonds or similar security, to assure the installation and maintenance of the specific genus desired.
D. Setbacks/Slopes along Roadway Edges

1. The following setbacks from the curb face, or line that would be the location of the curb face, to the property line shall be required from the following roadways, except for within the hillside transitional area:

a. Major Arterial: 80 feet
b. Minor Arterial: 60 feet
c. Parkway: 40 feet
d. Collector: 35 feet
e. Local Residential Street: 20 feet

Section 243 - Hillside Landscape Requirements
2. Setbacks and slopes along edges between roadways and rear property lines shall be fully landscaped with materials consistent with all other common open space areas. The landscape material shall transition in height to provide low vegetation immediately adjacent to the right-of-way edge to taller trees on the slope.
3. Any manufactured slope in excess of 4 feet vertical that abuts any public or private street or other right-of-way or open space use intended for public use and/or enjoyment shall be fully landscaped in accordance with the provisions of this Article and shall be maintained by a homeowners association or other entity established as part of the tentative map approval process for the maintenance of common open space.

E. Drought-Tolerant/Native Vegetation

1. All landscape plans must use native and/or drought-tolerant plant materials appropriate for their location and soil type, as identified in standard agricultural suitability soils test. Preferred landscaping materials shall consist of native plants. Landscape and irrigation plans shall comply with the City's water efficient landscape requirements contained in Article 26, Section 2624 of the Zoning Ordinance,
2. All native vegetation outside the impact area shall be preserved and protected from damage during construction. Oak trees shall have a preservation zone of the dripline plus 10 feet surrounding the tree. Any project impact within this preservation zone shall be considered as damaging to the tree.

F. Interface between Natural Open Space Areas and Development

1. The area between a structure and wildfire hazard areas, as contained within the General Plan and defined by the Fire Chief, shall be planted and maintained as consistent with the provisions of paragraph K below (Section 243.03.K). The transition between manufactured areas and natural areas shall be established beyond residential structures so as to permit the development to meet the State Code regarding wild land interface in State Response Areas.

2. Climatically suitable shrubs and trees shall be used as wind breaks as appropriate.

G. Landscaping as Focal Points

Significant landscaping, such as signature trees (i.e., large or unique trees), hedges, and flowering plants shall be used to provide focal points within a development, including and specifically as entry statements that shall require the following setbacks measured diagonally from face of curb, or the line that would be the location of the curb face:

1. Major Arterial: 100 feet
2. Minor Arterial: 80 feet
3. Parkway: 50 feet
4. Collector: 50 feet
5. Local Residential Street: 20 feet

A landscape area shall then be provided generally matching the depictions within Figure 244.03.E. Provisions for maintenance of said landscape areas shall be an integral component of project approval. No landscaping or other features shall interfere with the established sight distance needed for safe vehicular access at intersections.
H. Slope Maintenance and Erosion Control

1. All cut and fill slopes shall be planted with native and/or drought-tolerant vegetation and irrigated with an automatic irrigation system to prevent erosion.

2. All cut or fill slopes exceeding 5 feet in vertical height shall be planted with adequate plant material to protect the slope against erosion. Planting shall be in the ratio of at least one shrub per 16 square feet of natural slope area and one tree per 400 square feet of actual slope area, with ground cover to completely cover the slope within 12 months from planting.

3. All shrubs shall be a minimum 1 gallon size,

4. All trees shall be minimum 15-gallon size.

5. Slopes less than 5 feet in vertical height shall be planted with ground cover to cover the slopes completely within 12 months of planting.

6. Landscape coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation. A City-approved irrigation system shall be utilized for plant establishment. A minimum 3 feet flat area from top or toe of slope of 20 feet or greater shall be maintained to face of wall or fence on common area maintenance slopes.

7. Shrubs on manufactured slopes shall be heavily concentrated along the drainage flow of swales.

8. Lawns and sod shall not be installed on slopes steeper than 4:1. Low-maintenance bunch grasses can be used on slopes steeper than 4:1.

Section 243 - Hillside Landscape Requirements
I. Irrigation

1. Irrigation shall be designed to conserve water and to protect existing native vegetation.
2. Drip irrigation shall be required in appropriate areas to reduce overspray and runoff.
3. Irrigation needs shall be reduced by careful control of drainage pattern on a slope and selection of appropriate plant material.
4. Technological irrigation equipment, such as humidity sensors, that control irrigation settings and run times due to seasonal weather changes shall be used.

J. Fuel Modification Zones

1. A permanent fuel modification area and fire prevention plan shall be required, subject to the determination of the Fire Chief, around development projects, or portions thereof, that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. The recommended width of the fuel modification area shall be based on applicable Building and Fire Codes and the State Code regarding wild land interface in State Response Areas and the recommendations of the Fire Chief, with consideration given to:

   a. The natural non-graded slope of the land within the project and in the areas adjacent to the project.
   b. Fuel loading.
   c. Access to the project by fire suppression equipment, and access directly to the fuel modified area, and egress out of the project in case of evacuation.
   d. The on-site availability of water that can be used for firefighting purposes with regard to fire flows, water pressure, and duration.
   e. “Built-in” fire protection within structures.

![Figure 243.03.F](image)

**Figure 243.03.F**

Fuel modification zones shall be designed to have graduated zones of reduced fuel.
2. Adequate provisions shall be made for the continual maintenance of such areas, and the Fire Chief may require brush, vegetation, or debris to be removed and cleared consistent with the provisions of Chapter 12, Section 12.1.1 of the Porterville City Code, which adopts the Uniform Fire Code as the City’s fire code.

K. Private Yard Landscaping

1. The paving of over 40 percent of either the front yard or rear yard shall not be permitted.

L. Screening

1. Landscaping shall be designed to screen the view of downslope building elevations. The landscape plan for individual residential dwellings shall specifically consider the downslope elevation and demonstrate that portions of elevations below the bottommost floor are screened from view. Downslope elevations visible from any adjacent property or public right-of-way shall be landscaped with a selection of shrubs and trees that screen the downslope portion from view to the satisfaction of the Zoning Administrator.

2. Visual screening and privacy within side and rear yards shall be provided; front yards and building entrances shall be substantially visible for security purposes.

M. On-lot Tree Program

1. A minimum of two trees shall be installed and permanently maintained in each rear yard.

2. One additional tree shall be installed along the side yard adjacent to the street on corner lots with uphill visibility from roads.

3. Tree sizes shall be a minimum of 24-inch box for rear yards with 15 feet depths or less and 36-inch box for rear yards that are greater than 15 feet deep.

4. Minimum distance between tree trunk and adjacent property line shall be 5 feet.

5. Soil compaction and drainage shall be considered when determining planting pit depths.
Figure 243.03.G
On-lot tree program requires trees planted in each lot in locations that maintains views.
Section 244.00 Hillside Development Standards

The following Sections 244.01 through 244.07 development standards apply to the Hillside Development Zone.

Section 244.01 Allowable Density Calculation Procedures

A. For the purposes of this Article, allowable density is defined as the maximum number of dwelling units permitted per gross acre of land. The maximum allowable density shall be based upon and established by the average slope of a property, calculated in compliance with Section 241.05.D3. The maximum allowable density based on the average slope shall be as set forth in Table 244.01.A.

<table>
<thead>
<tr>
<th>Average Slope (Sec. 241.05.D.3)</th>
<th>Maximum Allowable Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5.9% inclusive</td>
<td>2.4 units/acre</td>
</tr>
<tr>
<td>6 to 10.9%</td>
<td>2.2 units/acre</td>
</tr>
<tr>
<td>11 to 20.9%</td>
<td>1.8 units/acre</td>
</tr>
<tr>
<td>21 to 25.9%</td>
<td>1.0 units/acre</td>
</tr>
<tr>
<td>26 to 30.9%</td>
<td>1 unit/20 acres</td>
</tr>
<tr>
<td>31 to 50%</td>
<td>1 unit/80 acres</td>
</tr>
</tbody>
</table>

B. The maximum dwelling unit yield based on the maximum allowable density mathematical sum shall be considered maximum potentials and not an entitlement, right or vested right to develop. Other factors and individual property characteristics will affect and may reduce the yield, including but not limited to: physical constraints, floor-area ratio (Section 244.01.D); compliance with design guidelines, engineering design standards, hillside development standards; and performance criteria such as access, emergency response standards, and sensitive grading techniques and volumes.

C. Calculating the maximum allowable density for any parcel or group of parcels under common development application within the Hillside Development Zone shall involve the following steps:

1. Establish allowed density based on average slope:
   a. Alternative 1 – Average slope of the parcel or group of parcels.
      For Alternative 1, the average slope shall be calculated in compliance with Section 241.05.D3. For example, a 100-acre parcel which has an average slope for the entire parcel of 25 percent would yield a maximum of 100 units.
   b. Alternative 2 – Recalculation alternative.
      The largest contiguous area of the least steep slope category may be used to calculate average slope in compliance with the method established in Section 241.05.D2. For example, on a 100-acre parcel, of which 60 acres has an average slope of more than 25.9 percent, 30 acres are between 21 to 25.9 percent slope, and there is a contiguous 10-acre area of between 11 to 20.9 percent slope, the 10 acres with a average slope of 11 to 20.9 percent can be used to recalculate allowable density (1.8 units/acre X 10 acres = 18 units)

D. For the purposes of this Article, floor-area ratio (FAR) is defined as the ratio of the total gross square footage of the dwelling unit excluding both attached and detached garage
square footage and any accessory structure on a lot to the square footage of the pad or that portion of the lot containing the dwelling and having a gradient of five percent or less. After constraints and performance criteria have been addressed to develop a maximum yield, the maximum yields for a parcel is further affected by average FAR and are based on Table 244.01.B.

<table>
<thead>
<tr>
<th>Dwelling Unit Yield</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum units</td>
<td>0.4</td>
</tr>
<tr>
<td>80% of Maximum</td>
<td>0.5</td>
</tr>
<tr>
<td>70% of Maximum</td>
<td>0.6</td>
</tr>
<tr>
<td>60% of Maximum</td>
<td>0.7</td>
</tr>
</tbody>
</table>

E. Physical Constraints are the on-site circumstances and resources that will be protected consistent with policies in the General Plan or other regulatory requirements. Factors that require special consideration are as follows:
   a. USGS blue-line streams and potential habitat areas for endangered species or archaeological resources.
   b. Areas greater than 25.9 percent slope greater than 1 acre as determined by Section 241.05.D.
   c. Liquefiable soils, Alquist-Priolo Zones, shallow hard rock, faulting and naturally occurring asbestos.
   d. Large, mature native trees including: Live Oak, Sycamores, or Willow.

Section 244.02 Development Standards - Detached Dwellings

Standards for detached dwelling units will provide assurance that development will be appropriate to the hillside setting. The following standards combined with the standards for grading and drainage, subdivision and landscaping design will result in adaptive hillside development.
Figure 244.02.A
Hillside developments should be designed with respect to natural hill characteristics and
development intensity appropriate for the area.

A. DENSITY
Density limitations shall be determined as set forth in Table 244.01.A, of this Code.

B. MINIMUM PAD SIZE
The minimum area of a pad on a lot, including the summation of multiple pad areas where
split-level construction is proposed, shall be 6,000 square feet.

C. BUILDING SETBACKS
Building setbacks shall be set forth in Table 244.02.C.

Table 244.02.C
Building Setbacks Detached Dwellings

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Pad Size in Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6,000 to 8,000</td>
</tr>
<tr>
<td>Front yard</td>
<td>20’</td>
</tr>
<tr>
<td>Side yard</td>
<td>7.5’</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20’</td>
</tr>
<tr>
<td>Corner Setbacks</td>
<td></td>
</tr>
<tr>
<td>*Face of curb to privacy wall</td>
<td>20’</td>
</tr>
<tr>
<td>Privacy wall to structure</td>
<td>10’</td>
</tr>
</tbody>
</table>

*Setbacks are measured from face of curb or for rolled curbs, from the flowline.
E. Floor-Area Ratios

Maximum allowable floor-area ratios shall be as set forth in Table 244.01.B.

F. Building Height – Primary Structure

Each proposed single-family detached structure in the Hillside Development Zone shall comply with the following height limits.

1. Height Measurement

The maximum allowable building height shall be measured as the vertical distance from the existing or planned grade of the site at the point of the building foundation to an imaginary plane located at the allowed number of feet above and parallel to the grade. For split-level construction, each building component shall be measured from either side of the site pad area on which that component is located.

Figure 244.02.C
Allowable building height for conventional and split-level construction.
2. General Height Limit
   No structure shall exceed a height of 35 feet.

3. Height of Lowest Floor Level
   The vertical distance between the lowest point where the foundation wall meets grade and the lowest floor line of the structure shall not exceed 6 feet.

Section 244.03 Development Standards – Attached Dwellings

A. Density
   Density limitations shall be determined as set forth in Table 244.01.A of this Article Code. Where attached housing is proposed, the overall permitted density of a development site shall determine the maximum number of units allowed, and all such units may be clustered or attached on a lot or lots restricted to a limited area of the development site, with the density calculation applicable to the site as a whole. However, in compliance with the provisions of Section 243.02 of this Article, any remainder open space lot or lots shall be deed restricted against further residential development and shall be permanently maintained as required by the provisions of this Article.

B. Building Height
   Each proposed attached or clustered dwelling unit structure shall comply with the following height limits.
   1. Height Measurement
      The maximum allowable building height shall be measured as in compliance with Section 244.02.F.
   2. General Height Limit
      No structure or group of structures shall exceed a height of 35 feet.
   3. Height of Lowest Floor Level
      The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed 6 feet.

D. Building Setbacks
   1. Buildings shall be set back from lot lines as indicated in Table 244.03.A.

   Table 244.03.A
   Attached Building Setbacks from Lot Lines

<table>
<thead>
<tr>
<th>Yard Lot Line</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>20'</td>
</tr>
<tr>
<td>Side yard</td>
<td>15'</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20'</td>
</tr>
<tr>
<td>Face of curb to privacy wall</td>
<td>20'</td>
</tr>
<tr>
<td>Privacy wall to structure</td>
<td>10'</td>
</tr>
</tbody>
</table>

   *Setbacks are measured from face of curb or for rolled curbs, from the flowline.

   2. Building to Building
      The minimum setback between structures shall be no less than 20 feet.

   3. Building to Street or Parking Area

   Section 244 - Development Standards
The minimum building setback to street or parking area shall be no less than 20 feet, measured from face of curb.

4. Building to Privacy Wall

The minimum building setback to privacy wall shall be no less than 20 feet.

**Figure 244.03.A**
Building Separation and Setbacks

**Figure 244.03.B**
Rear Yard and Side Yard Setbacks

**E. Required Common Open Space Area**

Every attached or cluster development project shall be required to provide common open space areas accessible to all dwelling units within such development project. The required area shall be as set forth in Table 245.02.C. Such common open space area may consist of passive landscaped area, common recreation facilities such as a swimming pool or sports court, or any combination of such improvements. The minimum dimensions of such common

Section 244 - Development Standards
open space area shall be 20 feet by 20 feet. Such common open space shall be centrally located and equally accessible to all dwelling units within the development.

Table 244.03.B
Required Common Open Space for Attached Dwellings

<table>
<thead>
<tr>
<th>Numbers of Dwelling Units within Development</th>
<th>Required Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-20</td>
<td>100 sq. ft. per dwelling unit</td>
</tr>
<tr>
<td>21-40</td>
<td>150 sq. ft. per dwelling unit</td>
</tr>
<tr>
<td>40+</td>
<td>200 sq. ft. per dwelling unit</td>
</tr>
</tbody>
</table>

F. **Private Open Space**

Private open space shall be provided as required by Section 243.00 of this Article.

G. **Location of Garages**

Garage structures for attached and cluster developments are not required to be attached to the dwelling units they serve. Common garage structures may be developed, provided parking is provided for each dwelling unit in compliance of the requirements of the City's Municipal Code.
Section 244.04  Custom Lot Design and Development Standards

A. Application Requirements

1. As specified in Section 241.00, an individual dwelling unit on an existing legal lot shall be subject to an Administrative Hillside Development Permit.

2. Proposed subdivisions of land planned for custom home sites shall be subject to a Hillside Development Permit.

B. Design Standards – General

1. Roadways, driveways, and individual building pads shall be designed to conform to the natural hillside contours, blending into the environment rather than forcing building sites and infrastructure upon the land. An emphasis shall be placed on limiting grading to individual flat graded pad areas for residential building sites and any roads accessing the residential building sites, ensuring a minimal cut and fill situation.

2. Any areas that require grading shall incorporate landform grading techniques to further encourage the natural appearance of custom pads.

3. For any standard not specifically indicated in this Section as applying to custom lot development, the general standards applicable to all development in the Hillside Development Zone shall apply.

C. Landscape Standards

Custom lot development shall implement landscape standards that avoid harsh or abrupt transitions between open space and development while providing a combination of landscape materials that blend into the adjoining natural open space. Landscape setbacks along roads and along flat pads of custom lots shall be required to ensure that suitable transitions from residential development to natural open space are accomplished.

D. Architectural Standards

Individual houses on custom lots shall be visually compatible with the surrounding area, with architecture that complements the adjacent natural environment and any adjoining residential structures and/or neighborhoods.

E. Grading Standards

1. Unless otherwise specified in this section, the landform grading practices set forth in Section 242.01 shall apply.

2. Retaining walls shall not be visible from any public rights-of-way.

F. Development Standards

1. The minimum pad size shall be no less than 10,000 square feet unless the site is over 15% average slope in which case smaller pedaled building sites are allowed to reduce grading impacts as set forth in Section 242.01..

2. Maximum building height, as measured from finished grade to top of building, shall be as follows:
   a. 18 feet – Single-story portion of structure
   b. 28 feet – Two-story portion of structure
   c. 35 feet – Three-story portion of structure

3. Setbacks shall be provided as set forth in Table 244.02.C.
4. No fence or walls shall exceed a height of 6 feet, and all fences and walls shall comply with the regulations set forth in Section 244.07.G.

5. Walls and opaque fencing shall be permitted only on the flat pad of a custom lot.

6. The minimum landscape setback of 20 feet shall be provided between developed pad and natural vegetation.

7. The maximum step in foundation wall shall be no higher than 10 feet to account for homes built in a hillside setting.

8. Where no standard is specifically indicated in this Section 244.04, the development standards set forth in Section 244.01 shall apply.

Section 244.05    Accessory Structures

A. Accessory structures shall either be constructed as an integral part of the main dwelling unit or be within the setbacks set forth in Tables 244.02.C of this Article.

B. The height of any accessory structure shall be limited to 16 feet.

C. Accessory structures shall not be permitted within any front yard area.

D. Accessory structures shall maintain a minimum 5-foot setback from rear and side pad edges. For pads on lots adjacent to a street, a minimum 20-foot setback from any pad edge to the street shall be maintained. A side yard on the street side of a corner lot shall maintain a minimum 20-foot setback from pad edge.

Section 244.06    Other Regulations

A. Exterior Lighting

   Exterior lighting shall be provided and properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low profile fixtures is encouraged, as opposed to the use of fewer, but taller fixtures. Emphasis for exterior lighting shall be on safety and landscape lighting as opposed to building lighting. The applicant shall present descriptions of exterior lighting in the design guideline manual required by Section 241.05.H of this Article.

B. Decks

   No portion of the walking surface of a deck with visible underpinnings shall exceed a height of 6 feet above grade. Decks shall be integrated into the architecture of the house and not appear as an add-on to the primary building mass. The applicant shall present illustrations and descriptions of decks in the design guideline manual required by Section 241.05.H of this Article.

C. Utilities

   All newly installed utilities shall be placed underground unless, in the determination of the authority responsible for approving the Hillside Development Permit, such requirement would result in unsafe conditions. All existing electric power lines of capacity 66 kilovolts or less shall be relocated underground. All utilities shall be placed underground unless, in the determination of the authority responsible for approving the Hillside Development Permit, such requirement would result in unsafe conditions.

D. Gated Communities Prohibited

   Gated communities shall be prohibited.

E. Private Gates at Driveway Prohibited
All gates or other structures or devices, which could obstruct emergency access or otherwise hinder emergency operations, shall be prohibited. Private gates at driveways that do not hinder emergency access or operations shall be setback a minimum of 30 feet (30') from the front property line.

Section 244.07  Architectural Standards

A. Architectural Standards - General

To achieve hillside compatible development, the City recognizes the importance of having architectural design that incorporates rooflines and other building elements that reflect the naturally occurring ridgeline silhouettes and topographical variation.

B. Conformance with Project Design Manual

The applicant shall demonstrate how the architectural criteria of this section are met in the design guideline manual required by Section 241.05.H of this Article.

C. Architectural Themes

1. For subdivisions consisting of production-style development, whereby dwelling units are constructed by a single developer utilizing a limited number of floor plans and building architectural styles, the architectural styles throughout the development shall be thematically consistent with one another. Varying floor plans, colors, materials, and building forms shall be utilized such that within a single development project, a minimum of nine different elevations are available. However, where attached units are provided, a more unified architectural scheme is permitted.

2. For custom lot developments consisting of a subdivision of more than one lot, the requirement for a design guideline manual, as set forth in Section 241.05.H of this Article, shall apply.

3. For a development consisting of one home on an existing lot, such homes shall comply with the requirements of Section 244.04.

D. Required Treatments

1. Architectural treatments on all exterior walls of any building shall be designed to avoid a monotonous or continuous façade of the exterior wall. Under no circumstance shall the front and rear façade of any building be in one continuous vertical or horizontal plane. Architectural features and details shall be located on all exterior walls of the building, including the rear and sides of the building. Buildings shall utilize wall articulation (i.e., insets, pop-outs, etc.) and roof orientation as a means to prevent massing.

2. The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of single-story elements, building face setbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up of massive forms.
E. Finish Materials/Color

Building materials and colors shall be compatible with the natural setting. Exterior colors shall be limited to earth tones found in nearby natural vegetation and/or soil, or come from natural sources (e.g., rock, stone, wood), or resemble a natural appearance.

F. Support Structures

1. Support structures (e.g., columns, pilings, etc.) below the lowest floor on the downhill side of a house, if and where permitted as part of the Hillside Development Permit review process, shall be enclosed unless visible structural members are an integral feature of the architectural design.

2. A support structure wall surface shall not exceed 6 feet in height.

Figure 244.07.A
Building facades shall be articulated and create visual interest.

Figure 244.07.B
Support structures shall be minimized in height.
G. Fencing and Privacy Walls

1. All fences and masonry walls adjacent to or visible from public roads or major public spaces shall be of decorative masonry or other approved materials that have a natural appearance (e.g. masonry walls, pre-fabricated modular concrete) and shall be a color that blends with the natural surrounding environment and complements the landscaping. The use of indigenous rock and colors or materials which blend with the surrounding natural landscape shall be preferred. The applicant shall present illustrations and descriptions of fencing and wall materials in the design guideline manual required by Section 241.05.H of this Article.

2. Any fence or privacy wall adjacent to a public road or major public space shall be placed at the top of a slope.

3. All fences and privacy walls, whether or not visible from a public road or major public open space, shall be limited in height to 6 feet, as measured from the grade on which the bottom of the fence or wall is placed to the uppermost extent of such fence or wall.

4. Solid fences and walls in a required front yard area, or within the street side yard on a reverse corner lot shall not exceed a height of 42 inches.

5. Open work fences, whereby the fence is 90 percent open or more, shall not exceed a height of 48 inches within the front setback or within the street side yard on a reverse corner lot, otherwise the height limitations specified in G.3 and G.4 above shall apply.

6. The provisions of Chapter 21, Article III, Section 21-3(f) of the City Code regarding corner rounding areas shall apply.

7. A minimum setback distance of 20 feet shall be provided between any fence or privacy wall adjacent to a public right-of-way, with the distance measured from the fence or privacy wall to the face of curb.

8. Any fence or wall that runs along the top of a landform and silhouettes against the sky shall be transparent to allow views from off-site to be unobstructed.

![Figure 244.07.C](image)
Adequate setback shall be provided between curb and privacy wall.
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADDING A HILLSIDE
DEVELOPMENT ORDINANCE TO THE MUNICIPAL CODE

WHEREAS: For over eight years, the City Council and City Staff have recognized a need to protect the hillside areas of Porterville from incompatible development; and

WHEREAS: During this time, a committee was created, including members of the Council and public at large to investigate strategies for encouraging development in the eastern portion of Porterville and protecting hillsides; and

WHEREAS: The Committee found that there was a current and immediate threat to the public health, safety, or welfare, arising from the lack of development standards to ensure that hillside development does not create a detrimental affect on the community through the establishment of grading and drainage problems a disconnected system of streets and infrastructure, unduly limiting development opportunities on adjacent properties by extending streets in wrong locations in the event there are natural features on an adjacent site, lack of accessibility to proximately located parks and recreation areas; and

WHEREAS: On September 6, 2005 the City Council adopted an Interim Urgency Ordinance regulating development for the protection of the hillside areas; and

WHEREAS: The Interim Urgency Ordinance was extended on October 18, 2005 and again on February 13, 2006; and

WHEREAS: With the assistance of TRG Land Inc., staff is prepared a hillside development ordinance that set forth policies that will set forth definitions, procedures and standards concerning the zoning, permitting, and regulations of hillside development; and

WHEREAS: Significant efforts were made to involve the public in the creation of this ordinance; and

WHEREAS: A public hearing was held before the City Council on September 16, 2008, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: Pursuant to State and local environmental regulations, a negative declaration of environmental impact was prepared for the project and duly noticed, a Notice of Determination was filed.
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend the Porterville Municipal Code to include in the Zoning Ordinance what is attached hereto and incorporated herein by reference as Exhibit A.

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

PASSED APPROVED AND ADOPTED this 16th day of September, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

______________________________
Patrice Hildreth, Chief Deputy City Clerk
Section 240.00 Purpose and Intent

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

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

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

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

3. To provide for hillside development that maintains the integrity of the hillsides’ natural characteristics and features.

4. To ensure the ridgelines that frame the City of Porterville will be preserved to the greatest extent possible.
5. To facilitate the protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

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

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

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

9. To promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas.

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

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

12. To require that infrastructure such as but not limited to roads, utilities, drainage, and sound attenuation barriers serve both a utilitarian and aesthetic purpose.

13. To ensure that open space is an integral part of subdivision design.
Landscaping shall be used for aesthetic enhancement, erosion control and transition to natural open space areas.

14. To provide areas where residents can enjoy active and passive recreation.

Open space shall be an integral component of subdivision design, with developed open space areas

15. To ensure that proper landscape setbacks are provided to separate residential uses from non-residential uses and to allow for transitions between natural open space and development.
Bioswales and similar natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

16. To ensure that the circulation system is a beneficial element in the hillside development setting and maintains, to the greatest extent possible, the natural characteristics of a hillside environment.

17. To ensure quality development that blends with the hillside environment, and to create neighborhoods that display a cohesive and harmonious form and complementary architectural styles.

18. To minimize resource consumption through the use of a drought-tolerant native plant palette.
Section 241.00  Administrative (Applicability and Permit Requirements)

A. This Article applies to all properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City's official Sphere of Influence, as may be amended from time to time, that are designated H-D Zone on the City of Porterville General Plan Land Use Map.

B. No person shall grade, erect, or construct into, over or on top of property within the H-D zoning district without first obtaining a Hillside Development Permit (HDP), except as otherwise provided for in this article.

Section 241.01  Hillside Development Permit Approving Authority

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

B. If no other development permits are required by this Article or other provisions of the Municipal Code, then the property owner or duly authorized agent may submit an application for an Administrative Hillside Development Permit. The Zoning Administrator shall have the authority to approve, conditionally approve, or deny an application for an Administrative Hillside Development Permit in the same manner as set forth in Article 30, Section 3002 of the Zoning Ordinance.

Section 241.02  Review Procedure and Cost Recovery

A. Administrative Hillside Development Permit

An Administrative Hillside Development Permit shall be processed in compliance with the procedures set forth in Article 30, Section 3002 of the Zoning Ordinance. (Requires an amendment to Article 30). The Zoning Administrator or designee may refer an Administrative Hillside Development Permit to the City Council, in which case, the City Council acts as the Director and follows the procedures outlined in Article 30 of the Zoning Ordinance.

B. Hillside Development Permit

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

Section 241.03  Exemptions from Hillside Development Permit

A. Notwithstanding the provisions of Section 241.00, the following actions and activities are exempt from the requirement for a Hillside Development Permit, except that all development in the Hillside Development Zone shall comply with hillside development standards set forth in this Article:

1. Construction that does not require a grading permit or a building permit.
2. The construction and installation (trenching, utility construction, and backfilling) of underground utility systems.

3. The re-grading of existing yard areas for landscaping installation provided such re-graded yard area does not exceed 2,500 square feet in area.

4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that do not involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

5. Additions to existing structures and/or construction of accessory structures located entirely on the existing pad area and are less than 500 square feet in area, unless a grading permit for establishment of same is required.

6. Any project that has received final approval for construction prior to the effective date of this Article, provided that such permit or approval has not expired or is not otherwise revoked.

Section 241.04 Land Use Regulations

A. Uses Requiring a Hillside Development Permit

The following uses require a Hillside Development Permit.

1. Single-family dwelling unit, detached or attached.

2. Second dwelling units, subject to the regulations contained in; Article 30, Section 3009 of the Zoning Ordinance and state law.

3. Detached garages, up to a maximum of 1,500 square feet in gross floor area.

4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

5. Tennis courts, basketball courts, and similar sports courts, subject to the issuance of a grading permit and required building permits.

6. Public and private parks.

7. Landscaped parkways and medians, landscaped slopes, and similar other open spaces.

8. Riding and hiking trails for pedestrians, equestrians and non-motorized vehicles.

9. Residential care facilities serving six or fewer mentally or physically disabled, disordered, or dependent persons.

B. Uses Requiring an Administrative Hillside Development Permit

The following uses of land shall be subject to the granting of an Administrative Hillside Development Permit in compliance with the regulations contained in Article 30 of the Zoning Ordinance of this title.

1. Lighting of tennis courts, basketball courts, and similar sports courts.

2. Accessory structures containing more than 500 square feet of gross floor area.

3. Detached garages containing more than 1500 square feet in gross floor area.

4. Stables, corrals, and similar facilities for the private noncommercial keeping and containment of animals.
C. Permitted Accessory Uses

The following are permitted as accessory uses clearly subordinate to the principal use of the property.

1. Animals and poultry as follows:
   (a) Small domestic pets, such as cats, dogs and birds as permitted in the Porterville Municipal Code
   (b) Educationally oriented agricultural projects similar but not limited to 4-H and FFA projects, recognized youth organizations and school projects, when conducted in compliance with the public health and animal laws of the city, subject to the stipulations of paragraph (c) of this section.
   (c) Bovine animals, horses and other equine animals, sheep and goats where the lot area is twenty thousand (20,000) square feet or more and provided that the shelter for such animals shall not be closer than fifty (50) feet to any residence, including that of the owner. The minimum lot area of twenty thousand (20,000) square feet shall be required for each additional adult animal. Any building or shelter housing such animals shall not be closer than ten (10) feet to any property line. The keeping of all animals or poultry mentioned herein shall conform to other provisions of law governing same. The restrictions of this subparagraph relating to animals and poultry shall not apply when the area of any one (1) farm or ranch exceeds ten (10) gross acres.

2. Flower and vegetable gardens, agricultural crops, orchards, vineyards and horticultural collections.

Section 241.05 Application Filing Requirements

The following information is supplemental to the basic requirements for submittal of subdivision maps, information and/or other entitlement applications required for review by the Project Review Committee and City Council. The specified data shall be submitted concurrently with all required application forms and fees. Where appropriate, the following information may be combined onto submittal exhibits. The submittal of applications for parcel maps, containing four or fewer lots, shall only require items A, B, D, and E.

A. Topographical Map

A topographical map at a scale specified in development applications. This map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, federally recognized blue-line streams or Waters of the United States, rock outcroppings, existing manmade features, mines, and existing vegetation. The topographic map shall include areas of protected plan or animal communities identified in the biological resource survey report described in Section 241.05G.2. Also depicted shall be known landslides and other existing geologic conditions.

B. Conceptual Grading Plan

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

1. Top of walls
2. Top of curbs
3. High point and low point elevations
4. Pad and/or finished floor elevations
5. Areas of cut and fill, calculated as a percentage of the total site area
6. Contours for existing and proposed topography. Existing contours shall be depicted with a dashed line with every fifth contour darker, and proposed contours shall be depicted as above except with a solid line. Contours shall be shown at minimum intervals of 5 feet of change in elevation, with 2-foot contours shown in the flatter areas below 10%
7. Lot and pad dimensions, along with a statistical summary of lot and pad sizes.
8. Design of roads and driveways, including average grades indicated, as well as areas of the steepest grade
9. Lot drainage, including the gradient of the drainage and flow velocities

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

D. Slope Analysis Map
1. A detailed slope analysis map to use in determining the average slope and the amount and location of land as it exists in its natural state. For the slope analysis map, the applicant shall use a base topographical map of the subject site, prepared and signed by a registered civil engineer or licensed land surveyor. The map shall have a scale of not less than 1 inch to 100 feet and a two (2) foot contour interval. This interval may be adjusted with the approval of the Community Development Director and City Engineer on the basis of good engineering principles. This base topographical map shall include all adjoining properties to the extent necessary to determine impact to neighboring properties to portray the site’s context. The slope map shall delineate slope bands, with monochromatic but distinct colors for the following slope ranges:
   a. Up to 5.9%
   b. 6% to 10.9%
   c. 11% to 20.9%
   d. 21% to 25.9%
   e. 26% to 30.9%
   f. 31% to 50%
   g. Greater than 50%
2. Also included shall be a tabulation of the land/area by slope percentage specified in acres. Such slope map shall be prepared using CAD-based or GIS-based software specifically designed for such purpose and approved for such use by the City Engineer.
3. A calculation of the average slope of the entire parcel. Such calculation shall be performed by using the average percent slope formula as follows:
   \[ S = \frac{(0.00229 \times I \times L)}{A} \]
   Where \( S \) = Average percent slope
   \( I \) = Contour interval, in feet
L = Summation of length of contours, in feet

A = Area in acres of parcel being considered

4. Calculations of average slope percent shall be based upon accurate topographic surveys using a two (2) foot contour interval and a horizontal map scale of 1 inch : 100 feet or larger.

5. The slope analysis shall be stamped and signed by a registered or licensed professional to provide such analysis and indicating the datum, source, and scale of topographic data used in the slope analysis.

E. Future House Plotting Map

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

F. Site Sections

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

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

2. The site sections shall be stamped and signed by a licensed professional registered in the State of California indicating the datum, source, and scale of topographic data used in the slope profiles.

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

G. Technical Reports

The following technical reports:

1. A geologic and soils report prepared by a licensed professional, in sufficient detail to substantiate and support the design concepts presented in the application as submitted.

2. A biological resource survey report identifying all existing plant communities, with sensitive or protected species or communities clearly delineated, as well as known habitat area for protected animal species, including the location of sensitive biological resources. All sensitive species surveys shall be conducted in accordance with any applicable protocols established by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

3. An archaeological survey will be required subject to the same terms as provided in subparagraph G.2. above. The applicant shall engage in a third party agreement with the City and the selected biological consultant and provide the funding for purposes of payment to the consultant. The report shall be signed by the person preparing such report, with the signature intended to verify that the mandatory protocols were conformed to in the analysis as per the City’s local
guidelines for implementing the California Environmental Quality Act (CEQA). The submission of the biological survey may be deferred until after initial project submittal as approved by the Environmental Coordinator.


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

1. Illustrative, color drawings, photos or similar representations of the various architectural styles to be used with text and visual descriptions on the overall architectural theme of the project.

2. A neighborhood design diagram depicting the locations of proposed vehicular and pedestrian circulation, utility easements, developable pad, property lines, perimeter setbacks, parks, and recreation centers.

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

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

5. Illustrations and descriptions of permitted/proposed signage and entry treatments.

6. Description and illustrative drawings or similar representations of how the architecture and building approaches established in the manual implement the Architectural Standards set forth in Section 244 of this Article.

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

8. Description of how the landscaping approaches and plant palettes established in the manual implement the Landscape Standards set forth in Section 243.

I. Single Lot Applications

For applications involving one single-family dwelling unit residence on an existing lot or a second unit on a single lot, architectural and landscaping treatment materials shall be provided consistent with the requirements set forth in Article 30, Section 3002 of the Zoning Ordinance.

J. Additional Analysis

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

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

2. A line of site or view analysis as described in paragraph I below.
3. Visual simulation of the post-development condition, including use of photographic and/or computer generated graphic renderings as described in paragraph L below.

K. Landscape and Irrigation

Preliminary landscape and irrigation plans for all common areas showing project compliance with the provisions of this Article and requirements of the City Fire Chief for fire hazard mitigation and brush management zones in Chapter 12, Article III of the City Code and the State Code regarding wild land interface in State Response Areas.

L. Visual Simulation

1. Photography

The requirement for a visual simulation provides decision makers with a pictorial representation of the future condition of a development project as close to reality as possible. The photograph is the basis of view simulation, and care shall be taken in the camera selection. The goal is to provide an analysis that, as closely as possible, represents site views from a variety of locations distant from the project and from surrounding areas that will have a direct view of the project.

Control Data

The location of the camera shall be recorded as accurately as possible at the time the photograph is taken.

2. Computer Modeling

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

3. Staging

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

4. Rendering

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

5. Photocomposition

Any retouching undertaken to make foreground objects visible shall be done in such a way so as to preserve the original photograph and the rendered image intact.
Section 242.00  Hillside Grading - Subdivision Design

A. Significant Ridgelines

1. Significant ridgelines are those ridgelines characterized by any combination of the criteria specified below.

   a. The ridgelines that surround or visually dominate the surrounding valley landscape either through their size in relation to the hillside or mountain terrain of which they are a part.

   b. Their visual dominance as characterized by a silhouetting appearance against the sky.

   c. A significant natural backdrop feature or separation of communities.

   d. Visual dominance due to proximity and view from existing development or major corridors.

   e. As an area of significant ecological, historical, or cultural importance, such as those that connect park or trail systems.

2. The Official Significant Ridgeline Map, incorporated herein by reference and identified on the City’s 2030 General Plan Land Use Diagram, identifies crests of significant ridgelines in the City for the purpose of this Article and specifically, this Section 242.00. The precise delineation of a ridgeline shall be determined at the time a development application is received based on Official Significant Ridgeline Map and the criteria in subparagraph 1 above.

B. Ridgeline Preservation

1. No grading or improvements shall occur within 100 feet of a designated and delineated significant ridgeline area, as measured horizontally on a topographic map prior to any grading or improvements. A Significant Ridgeline area is determined by the Significant Ridgelines Map identified on the City’s 2030 General Plan Land Use Diagram on file at the Community Development Department except as approved by a Hillside Development Permit as in compliance with Section 241.05 No portion of any structure shall be closer to a designated and delineated significant ridgeline area, as measured 50 feet vertically from a cross section of the area.

2. No engineered slopes, housing construction, streets, utilities, excavation, or other permanent human-made features shall be permitted within any significant ridgeline area, as the same is determined by the Significant Ridgelines Map identified on the City’s 2030 General Plan Land Use Diagram on file at the Community Development Department. Exceptions may be granted as part of the Hillside Development Permit process if findings are made that:

   a. the encroachment into a significant ridgeline area will be in compliance with the intent and purpose of this Article and the specific criteria set forth herein;

   b. that conditions of approval applied via the Hillside Development Permit will implement the provisions of this Article.
Section 242.01 Grading

A. General Grading Requirements

1. Landform grading techniques such as varying slope height, rounding tops and toes of slopes, and incorporating variable gradients shall be used to ensure that manufactured slopes mimic natural hill forms. Landform grading shall be used for all post-disturbance conditions unless determined by the Community Development Director and the City Engineer that landform grading is not feasible due to soils conditions, encroachment into sensitive biological resource areas, protection of watersheds or watercourses, or other similar considerations. Findings shall be recorded as part of the Hillside Development Permit record as to why landform grading is not feasible. Grading should be kept to a minimum and should be preformed in a way that preserves significant natural features and visually blends with adjacent properties. Factors to be considered include the
natural features of the site, slope and soil characteristics, vegetative cover, access to the site and orientation and visibility of both the site and the proposed development.

Figure 242.01.A
Landform grading techniques will resemble natural slopes.

2. Super slopes, as defined by Section 242.01.C of this Article, shall be used in areas of high on-site and off-site project visibility, as determined by the viewshed analysis required for the Hillside Development Permit described in Section 241.05 (Application Filing Requirements) of this Article, to allow for visual breaks between terraced rows of housing units and to provide areas where landscaping can be used to soften the appearance of hillside development. Super slopes shall integrate manufactured slopes with natural slopes to give the appearance of a continuous natural landform.

3. Construction of artificial ridgelines shall be used to mask the view of dwelling units on a hillside from off-site locations, to preserve the appearance of a natural undeveloped hillside, and to preserve the appearance of open space.

4. A combination of berming and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

5. Slopes which are readily visible from existing or proposed public right-of-way shall be landform graded.

6. Grading of any site shall conform to the following grading standards, based upon the percent of average slope.
   a. 6 - 15% - Redistribution of earth over large areas may be permitted.
   b. 15 - 20% - Some grading may occur, but landforms should retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering are expected to mitigate the need for large padded building areas.
   c. 20 - 25.9% - Grading will be minimal, custom homes sites and access should follow the natural slope of the ground, custom foundations and split level design required to reduce disturbance.
d. 26.0% and steeper - No grading shall be allowed other than house pad and access to pad.

e. Minimize pad size to accommodate the structure and a reasonable amount of open space. A maximum of the remaining lot area should be kept in the natural state of the original slope.

f. Sloping lot designs, such as split level building terraces are encouraged to reduce pad size.

g. Minimize grading within 20 feet of all perimeter property lines of the project site, unless the grading naturally conforms to the existing adjacent slopes or to the planned grading of the adjacent slopes.

Figure 242.01.B
Double loaded street - 10% Slope Condition
Figure 242.01.C
Single loaded street - 17% Slope Condition
B. Prohibited Grading Practices

1. The cutting of significant ridgelines is prohibited.

2. Graded slopes that are characterized by linear (in plan), planar slope surfaces with unvarying gradients and angular slope intersections are prohibited.

C. Super Slope Requirements

The use of super slopes shall be required for the conditions set forth in paragraph Section 242.01.A2 above. The following standards shall be applied in the design of super slopes.

1. On any property for which a Hillside Development Permit application has been submitted and the vertical distance between the lowermost elevation on the property and the uppermost elevation is 60 feet or greater, at least 40 feet of vertical height shall be achieved by terraced manufactured slopes. Such manufactured slopes shall be at most 10 feet shorter or at least 10 feet taller in height than the height of the structure built on the toe of the manufactured slope (See Figure 242.01.E).
2. Manufactured slopes shall complement the adjacent natural slopes in terms of hill form and slope height.

D. Berming

1. Any berm 3 feet or greater in vertical height shall be landform graded no steeper than 3:1.

2. All berms shall have varying slope gradients and rounded tops with a horizontal dimension half the vertical height of the berm.

3. Berms shall be applied to screen utilitarian features such as water tanks in a hillside project.

4. Landscaping materials used on berms shall be drought tolerant and fire resistant and must be approved by the Parks and Leisure Services Director.
Figure 242.01.F
Berms shall be used to help screen hillside development and utilitarian features where topography warrants it. From public view, the berm shall completely hide development and other structures, providing a view of natural slope face.

E. Slopes between Residential Pads
Where there is at least a 4-foot elevation difference between residential flat pads, slopes shall be contour graded no steeper than 2:1.

Figure 242.01.G
Corner lot setbacks are 10 feet from right-of-way to privacy wall. Side slopes against public roads shall be landform graded.

F. Road Systems along Project Edges
Road systems shall be placed along project edges to the greatest extent practicable to maximize the use of aesthetic landscape buffers surrounding a development and to buffer residential neighborhoods from vehicular traffic. Project edges along roadway systems shall consist of varied slope and landscape treatments to provide visual interest.
G. Use of Loffelstein and Similar Living Walls

The use of Loffelstein walls and other similar living wall systems that allow for landscaping opportunities with planting pockets and stepped designs is required. Such wall shall be subject to the following development standards.

1. The minimum height shall be 15 feet, with a maximum height of 30 feet.
2. Such walls shall utilize a curvilinear slope pattern to mimic the appearance of natural hillside terrain.
3. Such walls shall be planted with landscape material suitable for the climate, wall exposure relative to the sun, and taking into consideration the landscape aesthetic effect to be achieved by the overall development. The color palette and materials selected for the retaining wall shall blend in with adjacent hillsides and landscape plant palette.

Figure 242.01.I
Loffelstein walls and similar living wall systems retain large amounts of earth while providing planting pockets for landscaping. Once landscaping matures, the wall will be masked and have a softer appearance than a hardscape wall surface.
H. Contour Construction and Materials
   Retaining walls shall follow the natural contours of the slope to the greatest degree practicable, and all materials used to construct retaining walls shall consist of native stone, poured-in-place concrete, pre-cast concrete block, and shall be of a color and texture that mimic the color and texture of surrounding native plant materials.

I. Height Standards
   1. The cumulative height of any retaining wall built to retain a cut slope or fill slope shall not exceed 6 feet in height. Cumulative height shall mean the combined height of any wall or series of walls required to retain a single slope.

Section 242.02 Site Drainage Improvements

A. General
   Site and subdivision features required and designed to control and retain stormwater and other runoff pursuant to the requirements of City ordinances and other pertinent regulations shall be fully integrated into the design of the subdivision. Such features shall be designed and located to account for natural drainage patterns, integration of open space into overall subdivision design, location of trails and other mobility corridors, and placement of subdivision entry enhancements or other aesthetic features.

Figure 242.02.A
   Natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

B. Materials and Color
   Water retention and detention features shall consist of natural earth and plant materials that must be approved by the Parks and Leisure Director. Concrete or similar hardscape materials shall not be permitted unless determined by the City Engineer to be the only feasible method of capturing and conveying runoff. Wherever concrete or similar structures are necessary, per drainage and storm water control plans approved by the City Engineer, such structures shall use integral color concrete to blend with surrounding color palette that blend with the natural environment.
C. Detention Basins

1. A detention basin area with gentle slopes (defined as 3:1 or less) and lined with turf or natural material such as rock may be used as an entry feature. Detention basins shall not be eligible for open space, park credit, or any fee credit.

2. Detention basin side slope ratios greater than 3:1 are prohibited.

D. Bioswales

1. Bioswales shall be used to collect surface runoff before it crosses pavement areas and to reduce ponding and damage to walkways. Bioswales shall be graded to direct water away from paved areas into detention basins prior to conveyance to the City drainage system per master plan.

Figure 242.02.B
Bioswales planted with native rocks and vegetation shall be used to the maximum extent to serve as a hillside community's drainage system.

2. Bioswales shall consist of primarily herbaceous plants whose stems and leaves retard water flow and help settle pollutants, and which, with the aid of the roots, decompose into the soil.
Section 242.03 Street Requirements and Design

A. Minimum Number of Access Points

New hillside development projects shall have a minimum of two points of vehicular access, one of which may be established for emergency access only, as determined by the Fire Chief through the Hillside Development Permit review process.

B. Street Design Standards

All streets shall be designed and constructed in accordance with the following standards.

1. Street sections shall be designed in accordance with street standards and specifications adopted by the City and as revised from time to time. In addition to such adopted standards, the following street standards shall apply to development in the Hillside Residential zone.

   a. The maximum length of any cul-de-sac street shall be 600 feet unless approved otherwise by the Fire Chief and City Engineer.

   b. All streets shall contain two clear 12-foot travel lanes.

2. Split Level Streets

   Where split level streets are used, the following standards shall apply.
a. The use of split level roads is permitted to reduce the amount and visual effect of grading (Figure 242.03.A).
b. The ground slope between the two traffic ways shall be of a ratio not less than 2:1.

![Figure 242.03.A](image)

Use of split level roadways is permitted and encouraged where such design can be used to facilitate landform grading. This type of road can also maximize the view opportunities in the hillside setting.

3. Street grades shall not exceed the following except as may be modified by the City Council in compliance with the Porterville City Code. The maximum length of street runs at the maximum specified grade shall be subject to the review and approval of the Fire Chief, or their respective designees. Minor adjustments to street grades shall be subject to the review and approval of the Fire Chief and the City Engineer.

a. Primary Arterials shall be no steeper than eight percent (8%).

b. Secondary Arterials shall be no steeper than ten percent (10%).

c. Collector Streets shall be no steeper than ten percent (10%).

d. Local Streets shall be no steeper than ten percent (10%).

e. Loaded Local Streets shall be no steeper than eight percent (8%).

f. Intersections shall be at six percent (6%) grade or less.

g. Local Streets can have a minimum centerline radius of 150 feet provided minimum sightline distances are met.

h. Street grades at fire hydrant locations shall be no steeper than seven percent (7%) for no less than twenty feet (20') on each side of hydrant..
C. Private Streets

1. Private streets and alleys shall not be permitted unless approved by the City Council and, if approved, all private streets or alleys shall be constructed to City standards. (Chapter 21, Article III, Section 21-3(j))

2. Driveway grades shall not exceed twelve percent (12%) unless otherwise approved by the Fire Chief and City Engineer. The finished grade of the driveway shall conform to the finished grade of the lot. Proper design consideration shall be given to vertical curves and parking landings.

3. Common drives in single family hillside residential development should be considered if grading is reduced by their use. Common easement maintenance agreements are required for common driveways.

E. Driveways

1. Driveways that are less than 150 feet (150') in length shall be a minimum of twelve feet (12') wide.

2. Driveways between 150 feet (150') and 400 feet (400') shall be a minimum of 16 feet (16') wide.

3. Driveways that are greater than 400 feet (400') in length shall be subject to the approval of the Fire Chief.

4. Grade changes through driveway approaches and transitions shall not exceed ten (10) degrees.

5. Driveways shall be paved with asphalt or Portland Cement Concrete (PCC). PCC or an approved alternative shall be used when grades exceed twelve percent (12%).
Hillside Landscape Requirements

Section 243.00  Open Space

A. Landscaping Required

Landscaping is an essential part of the site development by assisting in adapting the development into the natural backdrop of the hills, by providing areas of open space for use by residents and for assisting in slope stabilization, erosion control and filtering of pollutants from stormwater.

Figure 243.00.A
Open space shall be integral component of subdivision design, with developed open space areas

Section 243.01  Types of Open Space

A. Types of Open Space

Open space in the Hillside Development Zone shall consist of two general types of open space:

1. Natural Open Space, which shall be defined as undeveloped areas retained in their naturally occurring condition with regard to landform, vegetation, and water features; with the exception of walking trails and viewing platforms.

2. Developed or Improved Open Space, which shall be defined as any area not occupied by structures that has been improved with landscaping, trails, recreation amenities, and similar features that provide opportunities for active and passive recreation, and that provide landscape improvements that enhance the overall appearance and character of a development.
B. Use of Natural Open Space

Undeveloped open space shall be left in its natural state, with permitted improvements limited to the establishment of trails and associated viewing areas established as community open space.

Section 243.02 Open Space Requirements

A. Requirement to Provide Developed Open Space

Developed Open Space shall be provided for attached residential development as set forth in Table 244.03.B.2 and Zoning Ordinance Article 3, Section 305 and as otherwise required for this Article to meet general landscaping, slope treatment, and parkway landscaping requirements.

B. Deed Restrictions

Any lands dedicated for open space purposes shall contain covenants and recordable deed restrictions burdening the subject property, in a form and content approved by the City Attorney, ensuring that:

1. The open space area will not be subdivided in the future;

2. The use of the open space will continue in perpetuity for the purpose specified;

3. Appropriate provisions will be made for the maintenance of the open space that clearly define future maintenance responsibilities; and

4. Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee, unless otherwise authorized by policy or law.

C. Open Space Ownership

1. The fee title owner or easement holder of an interest in the land that is dedicated for open space purposes shall be selected by the property owner, developer, or sub-divider, subject to the approval by the Zoning Administrator or City Council. The ownership may vest in, but not be limited to, the following:
   a. The City, subject to acceptance by the City Council of a recordable interest.
   b. Other public jurisdictions or agencies, subject to their acceptance.
   c. Quasi-public and non-profit organizations, subject to their acceptance.
   d. Homeowner associations, landscape maintenance districts or other similar organizations.

2. The City may, in its reasonable discretion, require that the applicant establish a mechanism to fund the long-term maintenance of such open space, which may include a cash deposit, an assessment district, trust, or other appropriate funding mechanism.

D. Maintenance

The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance as set forth in Section 243.02.B, unless the City authorizes alternate maintenance strategies.

E. Required Planting Areas

Slopes requiring retaining at a height greater than 3 feet shall be terraced for planting areas. Such planting areas shall have a minimum width of 6 feet. No more than two terraces of retaining walls shall be permitted on one manufactured slope.
F. Irrigation Systems Required

All planting areas shall be provided with an automatic irrigation system.

G. Landscaped Parkways Required

1. All public streets shall include a landscaped parkway as indicated in the General Plan.

2. Such required parkways shall be landscaped as set forth in Section 243.03.B of this Article, including specifically Section 243.03.E (Drought-Tolerant/Native Vegetation).

Section 243.03 Landscape and Irrigation Plan Requirements

A. Landscape and Irrigation Plan

1. All proposed new development shall require approval of a conceptual landscape plan. Complete landscape and irrigation plans shall be submitted as part of the building permit application process. Such plans shall be subject to the review and approval of the Parks and Leisure Services Director and the Fire Chief.

2. All landscape and irrigation plans shall include all information required by the City and shall be designed to ensure slope stability, fire safety, and design quality, as well as a tree removal and retention plan with the following information.
   a. Identification of the extent of vegetation removal required for site preparation and development; and
   b. The location and species of individual trees of 6-inch caliper or more. Maximum effort should be exercised to retain existing trees in place.

3. The Community Development Director may waive the landscape and irrigation plan requirement for additions and remodeling where no or only minor alterations to the existing landscape or topography are proposed.

4. All landscaping shall be planted and maintained in compliance with approved plans.

B. General Landscaping Standards

1. All portions of a site where existing vegetative cover is damaged or removed, or consists primarily of weeds (typically unwanted plants that grow aggressively and are damaging to landscaping), and are not otherwise covered with new improvements, must be
successfully re-vegetated with a substantial mix of native and/or drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

2. A combination of berming and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

3. Plants with similar water requirements shall be grouped together in hydrozones.

4. Prior to planting, consideration of soil compaction shall be used to determine planting pit depths and drainage.

5. The Community Development Director and the Parks and Leisure Services Director shall have the authority to require other improvements such as the removal of dead or diseased trees and the thinning of trees or other vegetation to encourage desirable growth.

C. Tree Removal and Replacement

For each existing native tree or shrub removed or damaged with a combined caliper equal to or greater than 6 inches at 4 feet above finish grade, a 24-inch box minimum replacement tree or shrub of the same genus and species or as otherwise approved by the Parks and Leisure Director shall be planted on the site. For trees equal to or in excess of an 8-inch combined caliper, the replacement tree shall be a 48-inch box or larger of the same genus and species. Should a tree of the same genus and species not be available, the applicant shall submit reasonable proof of general unavailability in the region, and a list of no less than five substitutes, one of which shall be of the same genus, for approval by the Parks and Leisure Services Director.

The Parks and Leisure Services Director may approve a substitute or may require provisions, including but not limited to bonds or similar security, to assure the installation and maintenance of the specific genus desired.
D. Setbacks/Slopes along Roadway Edges

1. The following setbacks from the curb face, or line that would be the location of the curb face, to the property line shall be required from the following roadways, except for within the hillside transitional area:

a. Major Arterial: 80 feet
b. Minor Arterial: 60 feet
c. Parkway: 40 feet
d. Collector: 35 feet
e. Local Residential Street: 20 feet
2. Setbacks and slopes along edges between roadways and rear property lines shall be fully landscaped with materials consistent with all other common open space areas. The landscape material shall transition in height to provide low vegetation immediately adjacent to the right-of-way edge to taller trees on the slope.
3. Any manufactured slope in excess of 4 feet vertical that abuts any public or private street or other right-of-way or open space use intended for public use and/or enjoyment shall be fully landscaped in accordance with the provisions of this Article and shall be maintained by a homeowners association or other entity established as part of the tentative map approval process for the maintenance of common open space.

E. Drought-Tolerant/Native Vegetation

1. All landscape plans must use native and/or drought-tolerant plant materials appropriate for their location and soil type, as identified in standard agricultural suitability soils test. Preferred landscaping materials shall consist of native plants. Landscape and irrigation plans shall comply with the City’s water efficient landscape requirements contained in Article 26, Section 2624 of the Zoning Ordinance.
2. All native vegetation outside the impact area shall be preserved and protected from
damage during construction. Oak trees shall have a preservation zone of the dripline
plus 10 feet surrounding the tree. Any project impact within this preservation zone shall
be considered as damaging to the tree.

F. Interface between Natural Open Space Areas and Development

1. The area between a structure and wildfire hazard areas, as contained within the General
Plan and defined by the Fire Chief, shall be planted and maintained as consistent with
the provisions of paragraph K below (Section 243.03.K). The transition between
manufactured areas and natural areas shall be established beyond residential structures
so as to permit the development to meet the State Code regarding wild land interface in
State Response Areas.

2. Climactically suitable shrubs and trees shall be used as wind breaks as appropriate.

G. Landscaping as Focal Points

Significant landscaping, such as signature trees (i.e., large or unique trees), hedges, and
flowering plants shall be used to provide focal points within a development, including and
specifically as entry statements that shall require the following setbacks measured diagonally
from face of curb, or the line that would be the location of the curb face:

1. Major Arterial: 100 feet
2. Minor Arterial: 80 feet
3. Parkway: 50 feet
4. Collector: 50 feet
5. Local Residential Street: 20 feet

A landscape area shall then be provided generally matching the depictions within Figure
244.03.E. Provisions for maintenance of said landscape areas shall be an integral component
of project approval. No landscaping or other features shall interfere with the established
sight distance needed for safe vehicular access at intersections.
H. Slope Maintenance and Erosion Control

1. All cut and fill slopes shall be planted with native and/or drought-tolerant vegetation and irrigated with an automatic irrigation system to prevent erosion.

2. All cut or fill slopes exceeding 5 feet in vertical height shall be planted with adequate plant material to protect the slope against erosion. Planting shall be in the ratio of at least one shrub per 16 square feet of natural slope area and one tree per 400 square feet of actual slope area, with ground cover to completely cover the slope within 12 months from planting.

3. All shrubs shall be a minimum 1 gallon size,

4. All trees shall be minimum 15-gallon size.

5. Slopes less than 5 feet in vertical height shall be planted with ground cover to cover the slopes completely within 12 months of planting.

6. Landscape coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation. A City-approved irrigation system shall be utilized for plant establishment. A minimum 3 feet flat area from top or toe of slope of 20 feet or greater shall be maintained to face of wall or fence on common area maintenance slopes.

7. Shrubs on manufactured slopes shall be heavily concentrated along the drainage flow of swales.

8. Lawns and sod shall not be installed on slopes steeper than 4:1. Low-maintenance bunch grasses can be used on slopes steeper than 4:1.
I. Irrigation

1. Irrigation shall be designed to conserve water and to protect existing native vegetation.

2. Drip irrigation shall be required in appropriate areas to reduce overspray and runoff.

3. Irrigation needs shall be reduced by careful control of drainage pattern on a slope and selection of appropriate plant material.

4. Technological irrigation equipment, such as humidity sensors, that control irrigation settings and run times due to seasonal weather changes shall be used.

J. Fuel Modification Zones

1. A permanent fuel modification area and fire prevention plan shall be required, subject to the determination of the Fire Chief, around development projects, or portions thereof, that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. The recommended width of the fuel modification area shall be based on applicable Building and Fire Codes and the State Code regarding wild land interface in State Response Areas and the recommendations of the Fire Chief, with consideration given to:
   a. The natural non-graded slope of the land within the project and in the areas adjacent to the project.
   b. Fuel loading.
   c. Access to the project by fire suppression equipment, and access directly to the fuel modified area, and egress out of the project in case of evacuation.
   d. The on-site availability of water that can be used for firefighting purposes with regard to fire flows, water pressure, and duration.
   e. "Built-in" fire protection within structures.

Figure 243.03.F
Fuel modification zones shall be designed to have graduated zones of reduced fuel.
2. Adequate provisions shall be made for the continual maintenance of such areas, and the Fire Chief may require brush, vegetation, or debris to be removed and cleared consistent with the provisions of Chapter 12, Section 12.1.1 of the Porterville City Code, which adopts the Uniform Fire Code as the City's fire code.

K. Private Yard Landscaping
1. The paving of over 40 percent of either the front yard or rear yard shall not be permitted.

L. Screening
1. Landscaping shall be designed to screen the view of downslope building elevations. The landscape plan for individual residential dwellings shall specifically consider the downslope elevation and demonstrate that portions of elevations below the bottommost floor are screened from view. Downslope elevations visible from any adjacent property or public right-of-way shall be landscaped with a selection of shrubs and trees that screen the downslope portion from view to the satisfaction of the Zoning Administrator.

2. Visual screening and privacy within side and rear yards shall be provided; front yards and building entrances shall be substantially visible for security purposes.

M. On-lot Tree Program
1. A minimum of two trees shall be installed and permanently maintained in each rear yard.

2. One additional tree shall be installed along the side yard adjacent to the street on corner lots with uphill visibility from roads.

3. Tree sizes shall be a minimum of 24-inch box for rear yards with 15 feet depths or less and 36-inch box for rear yards that are greater than 15 feet deep.

4. Minimum distance between tree trunk and adjacent property line shall be 5 feet.

5. Soil compaction and drainage shall be considered when determining planting pit depths.
Figure 243.03.G
On-lot tree program requires trees planted in each lot in locations that maintains views.
Section 242.00  Hillside Grading - Subdivision Design

A. Significant Ridgelines

1. Significant ridgelines are those ridgelines characterized by any combination of the criteria specified below.
   a. The ridgelines that surround or visually dominate the surrounding valley landscape either through their size in relation to the hillside or mountain terrain of which they are a part.
   b. Their visual dominance as characterized by a silhouetting appearance against the sky.
   c. A significant natural backdrop feature or separation of communities.
   d. Visual dominance due to proximity and view from existing development or major corridors.
   e. As an area of significant ecological, historical, or cultural importance, such as those that connect park or trail systems.

2. The Official Significant Ridgeline Map, incorporated herein by reference and identified on the City's 2030 General Plan Land Use Diagram, identifies crests of significant ridgelines in the City for the purpose of this Article and specifically, this Section 242.00. The precise delineation of a ridgeline shall be determined at the time a development application is received based on Official Significant Ridgeline Map and the criteria in subparagraph 1 above.

B. Ridgeline Preservation

1. No grading or improvements shall occur within 100 feet of a designated and delineated significant ridgeline area, as measured horizontally on a topographic map prior to any grading or improvements. A Significant Ridgeline area is determined by the Significant Ridgelines Map identified on the City's 2030 General Plan Land Use Diagram on file at the Community Development Department except as approved by a Hillside Development Permit as in compliance with Section 241.05 No portion of any structure shall be closer to a designated and delineated significant ridgeline area, as measured 50 feet vertically from a cross section of the area.

2. No engineered slopes, housing construction, streets, utilities, excavation, or other permanent human-made features shall be permitted within any significant ridgeline area, as the same is determined by the Significant Ridgelines Map identified on the City's 2030 General Plan Land Use Diagram on file at the Community Development Department. Exceptions may be granted as part of the Hillside Development Permit process if findings are made that:
   a. the encroachment into a significant ridgeline area will be in compliance with the intent and purpose of this Article and the specific criteria set forth herein;
   b. that conditions of approval applied via the Hillside Development Permit will implement the provisions of this Article.
Section 242.01 Grading

A. General Grading Requirements

1. Landform grading techniques such as varying slope height, rounding tops and toes of slopes, and incorporating variable gradients shall be used to ensure that manufactured slopes mimic natural hill forms. Landform grading shall be used for all post-disturbance conditions unless determined by the Community Development Director and the City Engineer that landform grading is not feasible due to soils conditions, encroachment into sensitive biological resource areas, protection of watersheds or watercourses, or other similar considerations. Findings shall be recorded as part of the Hillside Development Permit record as to why landform grading is not feasible. Grading should be kept to a minimum and should be performed in a way that preserves significant natural features and visually blends with adjacent properties. Factors to be considered include the
natural features of the site, slope and soil characteristics, vegetative cover, access to the site and orientation and visibility of both the site and the proposed development.

Figure 242.01.A
Landform grading techniques will resemble natural slopes.

2. Super slopes, as defined by Section 242.01.C of this Article, shall be used in areas of high on-site and off-site project visibility, as determined by the viewshed analysis required for the Hillside Development Permit described in Section 241.05 (Application Filing Requirements) of this Article, to allow for visual breaks between terraced rows of housing units and to provide areas where landscaping can be used to soften the appearance of hillside development. Super slopes shall integrate manufactured slopes with natural slopes to give the appearance of a continuous natural landform.

3. Construction of artificial ridgelines shall be used to mask the view of dwelling units on a hillside from off-site locations, to preserve the appearance of a natural undeveloped hillside, and to preserve the appearance of open space.

4. A combination of berming and landscaping shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

5. Slopes which are readily visible from existing or proposed public right-of-way shall be landform graded.

6. Grading of any site shall conform to the following grading standards, based upon the percent of average slope.
   a. 6 - 15% - Redistribution of earth over large areas may be permitted.
   b. 15 - 20% - Some grading may occur, but landforms should retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering are expected to mitigate the need for large padded building areas.
   c. 20 - 25.9% - Grading will be minimal, custom homes sites and access should follow the natural slope of the ground, custom foundations and split level design required to reduce disturbance.
d. 26.0% and steeper - No grading shall be allowed other than house pad and access to pad.

e. Minimize pad size to accommodate the structure and a reasonable amount of open space. A maximum of the remaining lot area should be kept in the natural state of the original slope.

f. Sloping lot designs, such as split level building terraces are encouraged to reduce pad size.

g. Minimize grading within 20 feet of all perimeter property lines of the project site, unless the grading naturally conforms to the existing adjacent slopes or to the planned grading of the adjacent slopes.

**Figure 242.01.B**
Double loaded street - 10% Slope Condition
Figure 242.01.C
Single loaded street - 17% Slope Condition
B. Prohibited Grading Practices

1. The cutting of significant ridgelines is prohibited.

2. Graded slopes that are characterized by linear (in plan), planar slope surfaces with unvarying gradients and angular slope intersections are prohibited.

C. Super Slope Requirements

The use of super slopes shall be required for the conditions set forth in paragraph Section 242.01.A2 above. The following standards shall be applied in the design of super slopes.

1. On any property for which a Hillside Development Permit application has been submitted and the vertical distance between the lowermost elevation on the property and the uppermost elevation is 60 feet or greater, at least 40 feet of vertical height shall be achieved by terraced manufactured slopes. Such manufactured slopes shall be at most 10 feet shorter or at least 10 feet taller in height than the height of the structure built on the toe of the manufactured slope (See Figure 242.01.E).
Figure 242.01.E
To avoid the appearance of stair-step development, top of slopes shall not be within 10 feet above or below a structures roofline.

2. Manufactured slopes shall complement the adjacent natural slopes in terms of hill form and slope height.

D. Berming

1. Any berm 3 feet or greater in vertical height shall be landform graded no steeper than 3:1.

2. All berms shall have varying slope gradients and rounded tops with a horizontal dimension half the vertical height of the berm.

3. Berms shall be applied to screen utilitarian features such as water tanks in a hillside project.

4. Landscaping materials used on berms shall be drought tolerant and fire resistant and must be approved by the Parks and Leisure Services Director.
Figure 242.01.F  
Berms shall be used to help screen hillside development and utilitarian features where topography warrants it. From public view, the berm shall completely hide development and other structures, providing a view of natural slope face.

E. Slopes between Residential Pads

Where there is at least a 4-foot elevation difference between residential flat pads, slopes shall be contour graded no steeper than 2:1.

Figure 242.01.G  
Corner lot setbacks are 10 feet from right-of-way to privacy wall. Side slopes against public roads shall be landform graded.

F. Road Systems along Project Edges

Road systems shall be placed along project edges to the greatest extent practicable to maximize the use of aesthetic landscape buffers surrounding a development and to buffer residential neighborhoods from vehicular traffic. Project edges along roadway systems shall consist of varied slope and landscape treatments to provide visual interest.
G. Use of Loffelstein and Similar Living Walls

The use of Loffelstein walls and other similar living wall systems that allow for landscaping opportunities with planting pockets and stepped designs is required. Such wall shall be subject to the following development standards.

1. The minimum height shall be 15 feet, with a maximum height of 30 feet.
2. Such walls shall utilize a curvilinear slope pattern to mimic the appearance of natural hillside terrain.
3. Such walls shall be planted with landscape material suitable for the climate, wall exposure relative to the sun, and taking into consideration the landscape aesthetic effect to be achieved by the overall development. The color palette and materials selected for the retaining wall shall blend in with adjacent hillsides and landscape plant palette.

Figure 242.01.I
Loffelstein walls and similar living wall systems retain large amounts of earth while providing planting pockets for landscaping. Once landscaping matures, the wall will be masked and have a softer appearance than a hardscape wall surface.
H. Contour Construction and Materials
Retaining walls shall follow the natural contours of the slope to the greatest degree practicable, and all materials used to construct retaining walls shall consist of native stone, poured-in-place concrete, pre-cast concrete block, and shall be of a color and texture that mimic the color and texture of surrounding native plant materials.

I. Height Standards
1. The cumulative height of any retaining wall built to retain a cut slope or fill slope shall not exceed 6 feet in height. Cumulative height shall mean the combined height of any wall or series of walls required to retain a single slope.

Section 242.02 Site Drainage Improvements

A. General
Site and subdivision features required and designed to control and retain stormwater and other runoff pursuant to the requirements of City ordinances and other pertinent regulations shall be fully integrated into the design of the subdivision. Such features shall be designed and located to account for natural drainage patterns, integration of open space into overall subdivision design, location of trails and other mobility corridors, and placement of subdivision entry enhancements or other aesthetic features.

Figure 242.02.A
Natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

B. Materials and Color
Water retention and detention features shall consist of natural earth and plant materials that must be approved by the Parks and Leisure Director. Concrete or similar hardscape materials shall not be permitted unless determined by the City Engineer to be the only feasible method of capturing and conveying runoff. Wherever concrete or similar structures are necessary, per drainage and storm water control plans approved by the City Engineer, such structures shall use integral color concrete to blend with surrounding color palette that blend with the natural environment.
C. Detention Basins

1. A detention basin area with gentle slopes (defined as 3:1 or less) and lined with turf or natural material such as rock may be used as an entry feature. Detention basins shall not be eligible for open space, park credit, or any fee credit.

2. Detention basin side slope ratios greater than 3:1 are prohibited.

D. Bioswales

1. Bioswales shall be used to collect surface runoff before it crosses pavement areas and to reduce ponding and damage to walkways. Bioswales shall be graded to direct water away from paved areas into detention basins prior to conveyance to the City drainage system per master plan.

![Figure 242.02.B](image)  
Bioswales planted with native rocks and vegetation shall be used to the maximum extent to serve as a hillside community’s drainage system.

2. Bioswales shall consist of primarily herbaceous plants whose stems and leaves retard water flow and help settle pollutants, and which, with the aid of the roots, decompose into the soil.
Section 242.03 Street Requirements and Design

A. Minimum Number of Access Points

New hillside development projects shall have a minimum of two points of vehicular access, one of which may be established for emergency access only, as determined by the Fire Chief through the Hillside Development Permit review process.

B. Street Design Standards

All streets shall be designed and constructed in accordance with the following standards.

1. Street sections shall be designed in accordance with street standards and specifications adopted by the City and as revised from time to time. In addition to such adopted standards, the following street standards shall apply to development in the Hillside Residential zone.

   a. The maximum length of any cul-de-sac street shall be 600 feet unless approved otherwise by the Fire Chief and City Engineer.

   b. All streets shall contain two clear 12-foot travel lanes.

2. Split Level Streets

Where split level streets are used, the following standards shall apply.
a. The use of split level roads is permitted to reduce the amount and visual effect of grading (Figure 242.03.A).

b. The ground slope between the two traffic ways shall be of a ratio not less than 2:1.

![Figure 242.03.A](image)

**Figure 242.03.A**

Use of split level roadways is permitted and encouraged where such design can be used to facilitate landform grading. This type of road can also maximize the view opportunities in the hillside setting.

3. Street grades shall not exceed the following except as may be modified by the City Council in compliance with the Porterville Municipal Code. The maximum length of street runs at the maximum specified grade shall be subject to the review and approval of the Fire Chief, or their respective designees. Minor adjustments to street grades shall be subject to the review and approval of the Fire Chief and the City Engineer.

a. Primary Arterials shall be no steeper than eight percent (8%).

b. Secondary Arterials shall be no steeper than ten percent (10%).

c. Collector Streets shall be no steeper than ten percent (10%).

d. Local Streets shall be no steeper than ten percent (10%).

e. Loaded Local Streets shall be no steeper than eight percent (8%).

f. Intersections shall be at six percent (6%) grade or less.

g. Local Streets can have a minimum centerline radius of 150 feet provided minimum sightline distances are met.

h. Street grades at fire hydrant locations shall be no steeper than seven percent (7%) for no less than twenty feet (20') on each side of hydrant.
C. Private Streets

1. Private streets and alleys shall not be permitted unless approved by the City Council and, if approved, all private streets or alleys shall be constructed to City standards. (Chapter 21, Article III, Section 21-3(j))

2. Driveway grades shall not exceed twelve percent (12%) unless otherwise approved by the Fire Chief and City Engineer. The finished grade of the driveway shall conform to the finished grade of the lot. Proper design consideration shall be given to vertical curves and parking landings.

3. Common drives in single family hillside residential development should be considered if grading is reduced by their use. Common easement maintenance agreements are required for common driveways.

E. Driveways

1. Driveways that are less than 150 feet (150’ in length shall be a minimum of twelve feet (12’) wide.

2. Driveways between 150 feet (150’) and 400 feet (400’) shall be a minimum of 16 feet (16’) wide.

3. Driveways that are greater than 400 feet (400’) in length shall be subject to the approval of the Fire Chief.

4. Grade changes through driveway approaches and transitions shall not exceed ten (10) degrees.

5. Driveways shall be paved with asphalt or Portland Cement Concrete (PCC). PCC or an approved alternative shall be used when grades exceed twelve percent (12%).
SUBJECT: Re-Location of The Mint Card Room

SOURCE: Police Department

COMMENT: The Mint Card Room began operating at The Palm Tree Inn in 2000. In May 2007, owner-Jim Pondergois ceased the card room operation at that location. He is now seeking to move the card room operation to a new site at 34 E. Garden in downtown Porterville. At this new location, he proposes to conduct his business with three (3) card tables licensed to him. On August 13, 2008, city staff representatives from Community Development, Building, Police and Fire inspected the proposed site. Upon completion, a list of conditions and requirements were delivered to the applicant. He has since complied with all the conditions and requirements. The site for the proposed card room appears suitable for such activity.

The Police Department has completed an investigation of the applicant and reviewed historical data related to his operation of a card room at other locations in the city over several years. There was no information gathered that would serve as grounds for denial of the license. The applicant has fulfilled his obligations pursuant to Porterville Municipal Code Sections 15-1 thru 15-20 in furtherance of moving his card room operation to the new proposed site. The police department has been working cooperatively with staff at the State of California Bureau of Gambling Control in processing the applicant's request to move to the new location.

The applicant has expressed an interest to staff in seeking to increase the number of card tables at the site, however, the Dept. of Justice Bureau of Gambling Control has stated they would not approve such an addition if it was contrary to the city ordinance.

RECOMMENDATION: That City Council:
1) Consider the issuance of a Card Room License to applicant; approving his move and card room operation at 34 E. Garden in Porterville.

Item No. 20
CITY COUNCIL AGENDA: SEPTEMBER 16, 2008

SUBJECT: KINGS/ TULARE CONTINUUM OF CARE ON HOMELESSNESS REQUEST FOR FUNDING 10-YEAR PLAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City of Porterville has received a request from the Kings/Tulare Continuum of Care ("CoC") on Homelessness to assist in the funding of the development of a 10-Year Plan to End Homelessness ("Plan") which is a directive of HUD requiring extensive planning. The CoC is requesting $5,000 from each of the local jurisdictions in the two county area to help raise the anticipated $50,000 needed for such a plan. The City of Visalia has already provided $5,000 in CDBG funds and the cities of Hanford and Tulare have pledged $5,000 toward the completion of the regional 10-Year Plan.

The goals of the Plan include:

1. Develop a strategy for addressing gaps in existing housing and services for homeless individuals.

2. Create a comprehensive strategy developed through feedback from all jurisdictions, non-profit service and housing providers, clients, and other relevant stakeholders in the community.

3. Educate the community and stakeholders about the 10-year plan, to ensure successful implementation and progress toward reducing the number of homeless individuals and families in Kings/Tulare Counties.

4. Demonstrate to HUD that the Kings/Tulare region has collaborated to develop and implement the Plan, therefore making our region more competitive for funding and more efficient at addressing homeless issues.

The Kings/Tulare Continuum of Care on Homelessness is a consortium of partners that include homeless service providers, advocacy groups, government agencies and homeless individuals who are working together to address the housing and support service needs of the homeless in Kings and Tulare Counties. The CoC works to establish collaboration, provide training opportunities, and address gaps in services and housing for homeless individuals and families.

Item No. 21
For the past four years, the CoC has conducted an annual Point in Time survey of the homeless in the two county region. HUD requires that this survey be conducted the last week of January. For your reference, the results of the 2008 survey for the City of Porterville are attached (Attachment 1). A complete report of the 2008 Point in Time Survey for all of the jurisdictions participating is available at the Community Development Department.

Also for the Council’s information, the CoC is planning the first Project Homeless Connect event simultaneously in Visalia, Hanford, and Porterville on Thursday, October 30, 2008. This is a one-day, one-stop event designed to bring all types of agencies and volunteers together to provide support services and hospitality in a convenient forum directly to people experiencing homelessness in our community. The Porterville event will be held in the parking lot of the 1st Assembly of God Church at 105 E. Olive immediately adjacent to the Helping Hands facility. Staff is in the process of recruiting volunteers and securing services that will be provided that day. Information regarding the event is attached (Attachment 2).

The CoC has historically been a grassroots organization that exists to address homeless issues, but is finally in a position to pursue its own 501(c)(3) designation. HUD requires the formation of local continuums to be eligible for certain types of homeless funding, and the State partners with CoC’s to act as Designated Local Boards (DLBs) to administer State Emergency Housing Assistance funding.

As the Council is aware, the City of Porterville has been a very active participant in the CoC since its inception and city staff is currently serving on the executive board of the CoC.

The $5,000 contribution to the Plan would be an eligible administrative and planning expense under CDBG guidelines and could be paid from this fiscal year’s administrative budget. The administrative budget is able to absorb this amount due to the fact that over the course of the year a portion of the budgeted salaries in CDBG are able to be charged to capital projects and staff leave time will be spread over various community development accounts.

In addition to providing financial assistance, the CoC very much encourages the active participation of local elected officials and staff in the series of community meetings that will be part of the Plan development process.
Kings/Tulare County Continuum of Care Survey Results

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<td>124</td>
<td>256</td>
<td></td>
</tr>
<tr>
<td>Total homeless population on 1/29/08:</td>
<td>999</td>
<td>132</td>
<td>124</td>
<td>256</td>
<td></td>
</tr>
</tbody>
</table>

### Survey Language

<table>
<thead>
<tr>
<th>Language</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>14%</td>
<td>45%</td>
<td>51%</td>
<td>3%</td>
</tr>
<tr>
<td>Spanish</td>
<td>12%</td>
<td>52%</td>
<td>47%</td>
<td>3%</td>
</tr>
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</table>

### Age

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>0-19</td>
<td>12%</td>
<td>51%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>20-29</td>
<td>14%</td>
<td>43%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>30-39</td>
<td>16%</td>
<td>41%</td>
<td>4%</td>
<td>1%</td>
</tr>
<tr>
<td>40-49</td>
<td>18%</td>
<td>38%</td>
<td>4%</td>
<td>1%</td>
</tr>
<tr>
<td>50-59</td>
<td>20%</td>
<td>35%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>60-69</td>
<td>22%</td>
<td>32%</td>
<td>4%</td>
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<tr>
<td>70+</td>
<td>24%</td>
<td>31%</td>
<td>3%</td>
<td>1%</td>
</tr>
</tbody>
</table>

### Sex

<table>
<thead>
<tr>
<th>Sex</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>14%</td>
<td>45%</td>
<td>51%</td>
<td>3%</td>
</tr>
<tr>
<td>Female</td>
<td>12%</td>
<td>52%</td>
<td>47%</td>
<td>3%</td>
</tr>
</tbody>
</table>

### Ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>African-American</td>
<td>14%</td>
<td>43%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Native American</td>
<td>12%</td>
<td>41%</td>
<td>4%</td>
<td>1%</td>
</tr>
<tr>
<td>White</td>
<td>18%</td>
<td>36%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>14%</td>
<td>39%</td>
<td>4%</td>
<td>1%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Multi-Cultural</td>
<td>18%</td>
<td>29%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>20%</td>
<td>27%</td>
<td>3%</td>
<td>1%</td>
</tr>
</tbody>
</table>

### Primary Language

<table>
<thead>
<tr>
<th>Language</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>85%</td>
<td>84%</td>
<td>85%</td>
<td>84%</td>
</tr>
<tr>
<td>Spanish</td>
<td>15%</td>
<td>16%</td>
<td>15%</td>
<td>16%</td>
</tr>
</tbody>
</table>

### Highest Level of Education

<table>
<thead>
<tr>
<th>Grade</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School/GED</td>
<td>14%</td>
<td>43%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Some College</td>
<td>16%</td>
<td>36%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>College Degree</td>
<td>18%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Never Attended School</td>
<td>20%</td>
<td>27%</td>
<td>3%</td>
<td>1%</td>
</tr>
</tbody>
</table>

### Current Income by Source

<table>
<thead>
<tr>
<th>Income Source</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages</td>
<td>14%</td>
<td>43%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Child support</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Veteran's Benefits</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Food Stamps</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>SSI</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>SSI</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>SSI</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>SSDI</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Tribal Benefits</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
</tbody>
</table>

### Current Housing

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Shelter</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Relative/Friend</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Street</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
</tr>
</tbody>
</table>

### Previous Housing

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kings County</td>
<td>14%</td>
<td>43%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Tulare County</td>
<td>16%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Another County</td>
<td>18%</td>
<td>33%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Out of State</td>
<td>20%</td>
<td>34%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Out of Country</td>
<td>22%</td>
<td>36%</td>
<td>3%</td>
<td>1%</td>
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</tbody>
</table>

### Reason for Current Homelessness

<table>
<thead>
<tr>
<th>Reason</th>
<th>Employed</th>
<th>Disabled</th>
<th>Unable to Work</th>
<th>Chronic Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol/Other drug use</td>
<td>17%</td>
<td>17%</td>
<td>17%</td>
<td>17%</td>
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<tr>
<td>Medical condition</td>
<td>12%</td>
<td>12%</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Mental Health condition</td>
<td>14%</td>
<td>14%</td>
<td>14%</td>
<td>14%</td>
</tr>
<tr>
<td>Physical disabilities</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>Argument with family/friends</td>
<td>17%</td>
<td>17%</td>
<td>17%</td>
<td>17%</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>Discharged from hospital</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Discharged from jail/prison</td>
<td>9%</td>
<td>9%</td>
<td>9%</td>
<td>9%</td>
</tr>
<tr>
<td>Divorce/Seperation</td>
<td>12%</td>
<td>12%</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Family violence</td>
<td>7%</td>
<td>7%</td>
<td>7%</td>
<td>7%</td>
</tr>
<tr>
<td>Eviction</td>
<td>22%</td>
<td>22%</td>
<td>22%</td>
<td>22%</td>
</tr>
<tr>
<td>Mortgage Foreclosure</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>No affordable housing</td>
<td>37%</td>
<td>37%</td>
<td>37%</td>
<td>37%</td>
</tr>
<tr>
<td>Substandard housing</td>
<td>13%</td>
<td>13%</td>
<td>13%</td>
<td>13%</td>
</tr>
<tr>
<td>Aged out of foster care</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Lost benefits</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Unemployment/Loss of income</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
</tr>
<tr>
<td>Other</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
</tr>
<tr>
<td>Chronic Homeless</td>
<td>13%</td>
<td>13%</td>
<td>13%</td>
<td>13%</td>
</tr>
</tbody>
</table>
Kings/Tulare County
1st Annual
Project Homeless Connect

October 30, 2008
Hanford·Porterville·Visalia

Services to be offered:
- Medical & Dental Care
- Hygiene Products
- Meals
- Vision Screening and Glasses
- Employment Counseling
- Legal Advice
- Veterinary Care
- Help Applying for Benefits
- Health Screenings
- Veterinary Care
- Clothing
- Domestic Violence Services
- Phone Access
- Bicycle Repair
- Bus Vouchers
- Haircuts
- I.D. Replacement
- Children’s Corner
- And Much More!

“Never look down on anybody unless you are helping him up.” - J. Jackson

What is Project Homeless Connect?
Project Homeless Connect is a one-day, one-stop event designed to provide housing, support services, and hospitality in a convenient forum directly to people experiencing homelessness in our community.

How does Project Homeless Connect work?
Individuals, businesses, church groups and social service agencies from Kings and Tulare counties are collaborating to provide simultaneous events in Hanford, Porterville, and Visalia that will provide critical information and services to people experiencing homelessness.

October 30, 2008
7:00 AM — 3:00 PM

Hanford
Event Hall
220 Dewey

Porterville
1st Assembly of God
105 E. Olive Avenue

Visalia
Visalia Rescue Mission
322 NE 1st Street
The Continuum of Care on Homelessness will conduct their first annual Project Homeless Connect. The event will take place on October 30, 2008. Project Homeless Connect is a one-day, one-stop center to deliver housing and support services to people experiencing homelessness in our community. The convenient one-stop model includes health, behavioral health, quality of life services, government benefits, dental, vision, job training, transportation, food, housing, legal, veteran services, and more. Below are items needed for the day of the event:

<table>
<thead>
<tr>
<th>Items</th>
<th>Have</th>
<th>Need</th>
<th>Items</th>
<th>Have</th>
<th>Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>Toothbrush</td>
<td>50</td>
<td>200</td>
<td>Plastic Poncho</td>
<td>0</td>
<td>250</td>
</tr>
<tr>
<td>Toothpaste</td>
<td>10</td>
<td>240</td>
<td>Bicycle Repair Kit</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>Shampoo</td>
<td>2</td>
<td>248</td>
<td>Baby wipes (packaged)</td>
<td>2</td>
<td>248</td>
</tr>
<tr>
<td>Conditioner</td>
<td>0</td>
<td>250</td>
<td>Blanket</td>
<td>0</td>
<td>250</td>
</tr>
<tr>
<td>Comb</td>
<td>0</td>
<td>250</td>
<td>Sleeping Bag</td>
<td>0</td>
<td>250</td>
</tr>
<tr>
<td>Pet Collar/Leash</td>
<td>3</td>
<td>72</td>
<td>Socks</td>
<td>0</td>
<td>250</td>
</tr>
<tr>
<td>Lotion</td>
<td>0</td>
<td>250</td>
<td>Pet Food</td>
<td>0</td>
<td>200 lbs.</td>
</tr>
<tr>
<td>Eyeglasses</td>
<td>20</td>
<td>80</td>
<td>Laundry Detergent</td>
<td>0</td>
<td>100 any size</td>
</tr>
<tr>
<td>Adult Bicycle (Working Condition)</td>
<td>2</td>
<td>98</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

We need your help in achieving our goal! You can assist in many ways.

**Purchase Items**
You may purchase multiples of the same items or donate many different items from the wish list.

**Financial Contribution**
Donations of cash and checks are always welcome! Please make check payable to the Kings/Tulare Continuum of Care and mail to the address listed below.

**Drop off**
Items may be dropped off at City Hall-291 N. Main Street
Until September 30th Monday-Friday 7:30 a.m. to 5:30 p.m.

**Mailing Information**
Kings/Tulare Continuum of Care
c/o Kings United Way
Post Office Box 878
Armona, California 93202
(559) 584-1536
COUNCIL AGENDA: SEPTEMBER 16, 2008

SUBJECT: CONSIDER PLAYGROUND BARRIER FOR VETERANS PARK

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has requested that staff provide a barrier between the playground and the nearby public roadways at Veterans Park.

One option is to install a 3-foot-high chain-link fence to accomplish the barrier objective. The proposed location of the barrier fence would average approximately 15 feet out from the playground. An open fence at the proposed location would cause the least interference with the irrigation sprinkler function, and the galvanized fence material will endure the weather and constant spray from the sprinklers. Heavy gauge material should be utilized to further extend the barrier life and to better tolerate the leaning and sitting-upon that are expected to occur.

The length of the barrier fence was evaluated at 260 feet. Preliminary cost estimates indicate that this length may need to be reduced to about 220 feet in order to stay within staff’s $5,000 expenditure authority. No concrete mow-strip (estimated cost $3,000) would initially be installed along the bottom of the fence. Regular herbicide application would be necessary to control the growth of grass.

The Parks & Leisure Commission has been advised of this matter. They recommend that the Council consider a green vinyl coating of the barrier fence and, if necessary to conserve cost, reduce the fence length along the Henderson Avenue side. The green vinyl coating would add approximately $1,000 to the barrier fence cost. The length would need to be reduced to approximately 170 feet to accommodate the additional expense of the green vinyl coating.

Another option is a planted continuous barrier consisting of short shrubs. A planted barrier should be accompanied by a fence, in order to minimize trampling through and upon the shrubs. The areas under the tree canopies are unlikely to support growth of other plants, so a plant barrier would be placed at approximately 20 feet from the roadway sidewalks. The length of the planted barrier is estimated at 220 feet. The fence could be installed within the $5,000 expenditure authority. Shrub planting could be done by staff or community volunteers.

\[\text{Director} \quad \checkmark \text{Appropriated/Funded} \quad \checkmark \text{City Manager} \quad \text{ITEM NO.: 22}\]
A third option is a hybrid of the first two options, with fencing positioned near the playground and shrubs planted along the fence, but only in the areas outside the canopy of the trees. Approximately 220 feet of fence could be installed at this time and evaluated for the need to extend the length further. Again, the shrubs could be planted by City staff or by community volunteers.

RECOMMENDATION: That the City Council direct staff to install approximately 220 feet of 3-foot-high, heavy gauge galvanized chain-link playground barrier fence at Veterans Park at a location approximately 15 feet from the playground, and that staff seek community organizations to plant shrubs along the street side of the fence in locations outside the canopy of trees.

ATTACHMENTS: Fence location sketches.
COUNCIL AGENDA: September 16, 2008

SUBJECT: Report on Council 2008 Priority Projects And Setting Date for Meeting to Establish 2009 Priorities

SOURCE: City Managers; Community Development & Public Works Directors

COMMENT:

REPORT ON 2008 PROJECTS

The City Council established twelve (12) priority projects for the year 2008. The status of these projects essentially fall within three categories: Completed, Progressing Towards Completion, and In Need of a New Approach for Completion.

Completed: Three of the projects have been completed, and in each case have been a multi-year effort. These projects are:

- Remove Cease and Desist Order
- Effluent Pipeline and Land Leveling of Sewer Property
- Jaye Street Widening Highway 190 to Springville Avenue Project

Progressing Towards Completion: Seven projects are proceeding towards completion. Their progress is consistent with multi-year time frames originally defined for the projects.

- Courthouse, Fairgrounds Project: Negotiations are continuing with multiple agencies. The goal is to have an escrow on all elements by November 2008; however, the time-line in this regard is essentially set by the State of California.
- Porterville Hotel Project: The demolition of the Porterville Hotel is projected for early 2009. The financing is being completed based upon market conditions. The housing component of the project is dynamic and every effort is being made for resolution with it over the next quarter.
- New Library Project: The committee to guide the design has been formed and the planning will proceed using funding which has already been established.
- Comprehensive Zoning Code Update Project: The consultant is busy working with the staff and the community committee.
- New Public Safety Station Project: The committee, including a Councilmember, has been formed for the development of the New Public Safety Station. Work to secure the site is underway and design options are being reviewed. Funding for the project's development and design will come from Measure H.
Technology Assessment Project: The project includes multiple efforts to address City of Porterville technology. The City is actively working with Granite Hills High School about audio broadcasts of Council meetings in the next few months. The City website is being redesigned. The bandwidth available to the City has been enhanced and other technological elements are being addressed.

Downtown Overlay (Courthouse Commons) Project: The consultant is busy working with the staff and the community committee.

In Need of a New Approach for Completion: Two projects are in need of dramatic reform. Both of these projects were predicated on the sale of a large Certificate of Participation issue. The initial step to develop the debt service was retaining a consulting firm to define additional municipal franchise fees. The firm has recommended to the City that no additional franchise fee may be supported from City enterprises at this time.

In addition, an element of the program was to use new sales tax receipts from the Riverwalk Marketplace development to support the debt service. Instead, because of the curtailment in construction and other macro-financial issues, the sales tax to the City has dropped over the past year, so no additional proceeds are available. These factors have removed the funding to be utilized for the project.

The projects remain, however, Council priorities, so the following reforms are suggested.

South Jaye Street/Gibbons Avenue Project: This project is a priority to remove congestion in the general area of development, and includes the installation of a roundabout at Jaye Street and Montgomery Avenue. Proposition 1B monies have been allocated to the project, and additional 1B funding could be available. The City may consider a reduced first phase project and implement with 1B monies and a much smaller project, such as a two lane street from Montgomery to Gibbons until such time that funding will allow for the construction of a four lane arterial as indicated in the General Plan. This would be formulated and presented to the Council for calendar year 2009 if this project remains a priority after Council review.

Indiana Street Low-Water Crossing Project: This project has proceeded the least because its funding was entirely tied to the COP issuance. From a traffic and limited environmental standpoint, the crossing is being evaluated as a part of the Riverwalk Marketplace Phase II environmental impact report. Reforms to move the project along can include a couple of approaches. The project can be tied to other development in the area. The portion of the benefit used by new development would be offset based on nexus. The City could negotiate, however, additional contributions based upon specific benefits to be received by any new development. Also, next fiscal year, to commence specific work on the project in lieu of COP monies, the City Council may budget street or general fund monies. Work could commence on alignment, environmental, and permitting.
IMPROVED PROJECT REVIEW & REPORTING

City management and departmental directors are now developing an improved process for project tracking and management. Projects would be defined into categories, which preliminarily range from “1” to “6”, with “1” being the highest priority. Priority 1 projects would be priority projects defined by the Council, and each of these projects would be presented in the City Budget with a budgetary line item. Priority 2 projects would be those that have gone to bid, awarded, or under construction. Priority 3 projects would be those with substantial effort and specific grant time lines which must be met. Priority 4 projects would be those with substantial effort and for which funding has been established. Priority 5 would be those with substantial effort without full funding, and Priority 6 would be projects which are not active or funded, but are of interest to either the Council and/or staff.

Each year, the Council would establish priority projects as they have in the past. During the year, instead of the current monthly update of all City projects, a priority project report would be presented in some form to the City Council.

The concept of the effort is to better coordinate many moving parts. These include priorities set by the Council, capacity of the staff to process projects, effort invested in specific projects, contractual commitments, grant funding commitments, locally allocated funding, and a responsiveness to emerging priorities while maintaining the continuity of the overall program.

In the months ahead, Mr. Lollis will be providing more information on the improved approach for City Council consideration.

ANNUAL PRIORITY PROJECT/GOAL SETTING REVIEW

The City Council should define how it wishes to proceed with goal setting this year. The organization is changing significantly in terms of its management, so the Council’s consideration is especially important. The following options are presented:

1. **Continue with the Priority Project Review.** This involves listing current City projects. The City Council would receive reports on project progress from the City staff. The Council normally has asked questions and then discussed specific aspects of current or future projects among themselves at the public meeting. The Council may add projects not currently on the listing. The voting in the past included both Council “dots” for priority and Department Director “dots” for continuity. The City’s management has normally been the facilitator in this process.

2. **Goal Setting: In the past the Council has held goal setting sessions.** On three occasions in the recent past, the Council has used a goal setting approach. One methodology was to define a limited number of issues that the City could be successful implementing. Another was to look at community factors and develop an approach.
based on an overall sentiment. Normally these sessions have involved an outside facilitator.

3. **Another Approach to Setting Direction:** The members of the Council have extensive and varied experience. Though the City has relied upon the two approaches above in the past, nothing precludes moving to another perspective for the future. This can be elaborated and the staff could return with additional information and cost factors involved.

The request of staff to the Council is to define an approach for priority project/goal setting. If the Council settles on either option 1 or 2 above, it is recommended that a date be set. If another approach is to be considered, the staff can take direction and provide information for further consideration at a future meeting at which time a session date may be set.

**RECOMMENDATION:** That the City Council:

1. Provide review and direction regarding priority projects

2. Determine method for priority project review/goal setting and set date for consideration.
JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA: SEPTEMBER 16, 2008

SUBJECT: AWARD OF CONTRACT – HOCKETT / MILL PARKING LOT RECONSTRUCTION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On September 3, 2008, staff received eleven (11) bids for the Hockett/Mill Parking Lot Reconstruction Project. Complete reconstruction of the parking lot serving downtown includes new paving, curb & gutter, sidewalk, stamped concrete walkways, alley approaches, landscaping, irrigation, nostalgic parking lot and perimeter street lighting and trash enclosures.

The Engineer's estimate of probable cost for the project is $450,619. The low bid of $372,489.20 is 17.3% below the Engineer's estimate. An additional $74,248.92 is required for the construction contingency ($37,248.92), construction management, quality control and inspection ($19,000) and Edison perimeter street lighting installation ($18,000).

Funding in the amount of $405,000 was approved during the June 19, 2007 City/Agency meeting as a loan from the Risk Management fund to the Redevelopment Agency. Additional funding in the amount of $100,000 was approved during the adoption of the 2008-2009 Capital Projects budget. During the August 5, 2008 City/Agency meeting, Council approved the use of Community Development Block Grant (CDBG) Business Assistance funds to provide for any unfunded portion of the project. The total cost for the project, should Council award the contract to the low bid is $446,738; therefore, the CDBG funds are not needed for this project.

During the September 2, 2008 City Council meeting, Council approved the use of unallocated carryover funds resulting from the deferment of administrative costs for Section 108 funded Heritage Center projects to be used for the Murry Park Restroom project. Due to a bookkeeping error, the unallocated carryover funds are less than anticipated and are short of covering the additional funding needed for the Murry Park Restroom project. Staff is requesting the use of these CDBG funds in lieu of the unallocated carryover previously approved by Council.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>JWT General Engineering, Inc.</td>
<td>$372,489.20</td>
</tr>
<tr>
<td>Clovis, CA</td>
<td></td>
</tr>
</tbody>
</table>

DMS - Appropriated/Funded CM Item No. PRA -
2. Garcia Paving  
Fresno, CA  
$376,602.20
3. Mark Hoffman General Engineering  
Tulare, CA  
$392,501.80
4. Central Valley Asphalt  
Lindsay, CA  
$397,347.00
5. Cruco Construction  
Fresno, CA  
$400,494.25
6. Granite Construction  
Fresno, CA  
$410,130.00
7. Castle Construction  
Fresno, CA  
$416,680.76
8. Halopoff & Sons, Inc.  
Porterville, CA  
$419,860.02
9. Sierra Range Construction  
Visalia, CA  
$437,627.65
10. American Paving Co.  
Fresno, CA  
$444,767.50
11. Mitch Brown Construction  
Porterville, CA  
$511,821.97

RECOMMENDATION: That the Porterville Redevelopment Agency:
1. Award the Hockett/Mill Parking Lot Reconstruction Project to JWT General Engineering, Inc. in the amount of $372,489.20; and
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and $19,000 for construction management, quality control testing and inspection; and
4. Authorize payment of approximately $18,000 to Edison for
AGENDA: SEPTEMBER 16, 2008

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: In 1988, the Porterville Public Improvement Corporation was formed, designating the City Council members as Directors. An annual meeting is required to be held each year.

Action by the Board of Directors is required to approve the election of new officers in accordance with Article III, Section 2 of the Bylaws of the Corporation. Article III, Section 1 of the Bylaws provides that the Mayor shall act ex officio as President, the Vice Mayor shall act ex officio as Vice President, the City Clerk shall act ex officio as Secretary, the Deputy City Manager shall act ex officio as the Treasurer, and the City Attorney shall act ex officio as Legal Counsel to the corporation.

In addition to the election of officers, a report on the progress of the Certificates of Participation (COP) projects is to be submitted to the Board of Directors at the time of the annual meeting. In accordance with Corporation Bylaws and Resolution No. 89-2, a public meeting (not a public hearing) is required prior to approving the annual report. A status report for COP projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Improvement Corporation;

1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2008 Status Report for Certificates of Participation Projects.

ATTACHMENTS: 1. Draft Resolution for Election of Officers
2. 2008 Status Report for Certificates of Participation Projects

DD Appropriated/Funded CM ITEM NO. PIC-1
RESOLUTION NO. PIC _____

A RESOLUTION OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION ELECTING OFFICERS FOR THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

BE IT HEREBY RESOLVED by the Directors of the Porterville Public Improvement Corporation, that the following persons are elected to the offices set forth opposite their names below, as officers of the Corporation, to serve until succession, or election and qualification of the successors, as provided in Article III, Section 2 of the Bylaws of the Corporation.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cameron J. Hamilton</td>
<td>President</td>
</tr>
<tr>
<td>Pete V. McCracken</td>
<td>Vice President</td>
</tr>
<tr>
<td>John Longley</td>
<td>Secretary</td>
</tr>
<tr>
<td>John Lolliis</td>
<td>Treasurer</td>
</tr>
<tr>
<td>Julia Lew</td>
<td>Legal Counsel</td>
</tr>
</tbody>
</table>

______________________________
Cameron J. Hamilton, President

ATTEST:

______________________________
John Longley, Secretary

ATTACHMENT NO. 1
CITY OF PORTERVILLE
Certificates of Participation
Status Report

As of September 1, 2008

1998 ISSUE:

On May 5, 1998, City Council authorized the issuance of Certificates of Participation to finance major components of the City Circulation Element. The Certificates were issued on July 16, 1998, for $20,000,000 with an average interest rate of 4.94%.

Total Certificates of Participation Issue: $20,000,000

<table>
<thead>
<tr>
<th>Project</th>
<th>Percentage of Design Complete</th>
<th>Percentage of Const. Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRIDGES:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plano - Tule River Widening</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Jaye - Tule River Widening</td>
<td>35%</td>
<td>0%</td>
</tr>
<tr>
<td>STREETS:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jaye - Springville to 190</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Prospect St. Reconstruction (match)</td>
<td>15%</td>
<td>0%</td>
</tr>
<tr>
<td>Westwood St. Henderson Past Slough</td>
<td>75%</td>
<td>0%</td>
</tr>
<tr>
<td>Main - Henderson to Linda Vista</td>
<td>10%(Shelved after design - lack of funding)</td>
<td></td>
</tr>
<tr>
<td>Jaye - 190 to Gibbons</td>
<td>100%(Shelved after design - lack of funding)</td>
<td></td>
</tr>
<tr>
<td>Gibbons - Main to Indiana</td>
<td>100%(Shelved after design - lack of funding)</td>
<td></td>
</tr>
<tr>
<td>Main - Yates to Gibbons</td>
<td>75%(Shelved after design - lack of funding)</td>
<td></td>
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</tbody>
</table>