Call to Order
Roll Call

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

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

ORAL COMMUNICATIONS

This is the opportunity to address the City Council and/or Redevelopment Agency on any matter scheduled for Closed Session.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

Adjourned to a meeting of the Porterville City Council.

CLOSED SESSION:

B. Closed Session Pursuant to:
   5- Government Code 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY COUNCIL AND/OR AGENCY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PRESENTATIONS

Employee Service Awards

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 December 2, 2008

2. Claim – Jaime Gonzalez
   Re: Considering rejection of a claim in an amount of $128.38 for tire damage allegedly sustained when claimant drove his vehicle over a fractured utility cover on Olivewood Court at Lime Street on October 20, 2008.

3. Claim – Adam Holt
   Re: Considering rejection of a claim in an amount of $200 for damages to claimant’s tire and rim allegedly caused by poor road conditions on September 19, 2008 on N. Main St. south of North Grand.

   Re: Considering rejection of a claim in an amount exceeding $25,000 in the unlimited jurisdiction of Tulare Co. Superior Court for medical costs, special and general damages relative to the death of Antonio Madrigal at the intersection of SR190 and Jaye St. on May 13, 2008.

5. Award of Contract – Henderson Avenue (Jaye Street to San Joaquin Valley Railroad Crossing) Reclamation Project
   Re: Awarding contract to Mitch Brown Construction of Porterville in the amount of $491,946.84 for the project consisting of the implementation of a “Full Depth Reclamation” process on Henderson Avenue from Jaye Street to San Joaquin Valley Railroad Crossing.

6. Acceptance of Project – Newcomb Street Trench Patch and Concrete Replacement Project
   Re: Accepting project as complete from 99 Pipeline, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of a trench patch, catch basin, and related appurtenances.
7. Authorization to Advertise for Bids – G Street Reconstruction Project (From Henderson Ave to 700’± South)
   Re: Approving staff’s recommended plans and project manual for the reconstruction of G Street from Henderson Avenue to 700 feet ± south.

8. Authorization to Advertise for Bids – Fire Station No. 2 Classroom Building HVAC
   Re: Approving staff’s recommended plans and project manual for the installation of four HVAC units at the Fire Station No. 2 Classroom Building.

9. Truck Parking Along Olive Avenue in County Jurisdiction
   Re: Informational report regarding the enforcement of “No Parking Vehicles Over 5 Tons” along the south side of Olive Avenue within the County’s jurisdiction.

10. Continuation of Voluntary Odd/Even Watering Schedule
    Re: Considering approval of the continuation of the voluntary odd/even watering schedule through the winter months.

11. Status of Grant Writer Evaluations
    Re: Informational report on the solicitation of qualified individuals and/or firms to act as an On-Call Consultant for preparation of grant applications.

12. Request for Coordination Period for Use of Lindsay Animal Control Facility
    Re: Considering authorization of a 90-day coordination period with the City of Lindsay regarding the operation of the Lindsay Animal Control Facility.

13. Approval for Community Civic Event – Comision Honorifica Mexico Americana and El Futuro Credit Union “Directo a Mexico” on January 10, 2009
    Re: Approving Civic Event to take place on Saturday, January 10, 2009 from 12:00 p.m. to 5:00 p.m. in the vicinity of Mill Avenue from Main Street to Second Street

14. Legal Services Agreement – City Attorney

15. Proposal to Form Part-Time Porterville Airport Area Manager
    Re: Considering formation of a part-time, at-will Airport Area Manager to be responsible for the general management of the development and operations at the Porterville Municipal Airport.

16. Consideration of Establishing New Commissions in the City of Porterville
    Re: Considering authorization of the formation of interim Youth and Community Arts Commissions to develop draft ordinances or resolutions for Council’s consideration establishing the Commissions of the City.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible
SCHEDULED MATTER
17. City Council Study Session to Review the Latest Developments with the Comprehensive Zoning Ordinance Update and Provide Comment on the Proposed Standards
   Re: Study Session to review efforts to date on the comprehensive zoning ordinance update.

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 January 6, 2009 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 COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
DECEMBER 2, 2008, 6:00 P.M.

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 (arrived late)

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
   4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

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

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation – one individual participated.

PROCLAMATIONS
Richard J. Klema
Tyler David Plewe

PRESENTATIONS
Employee of the Month – Hortencia Diaz
Miss Porterville & Her Court
Outstanding Business

ORAL COMMUNICATIONS
• Dick Eckhoff, 197 N. Main Street, spoke in support of Item 12; expressed concerns regarding Item 11; and stated that he was in support of improving the downtown area customer base.

Page 1 of 10
• Christopher Sanders, 450 Colby Place, spoke in favor of Item 11 and addressed Mr. Eckhoff’s concerns.
• Name inaudible, a Terra Bella resident, notified the Council of regular card games conducted at the Elks’ and Eagles’ Lodges.

CONSENT CALENDAR
Item Nos. 1 and 3 were pulled for discussion and abstention.

2. APPROVAL OF REVISED AIRPORT BUDGET

Recommendation: Approve the final column on the spreadsheet, which would be the revised 2008/09 Fiscal Year Airport Budget.

Documentation: M.O. 01-120208
Disposition: Approved

4. ACCEPTANCE OF PROJECT – AIRPORT TOXIC REMEDIATION

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;
4. Direct the Public Works Director to prepare or have prepared, in conjunction with the Department of Toxic Substance Control, a Deed Restriction over and around the Airport Remediation Site; and
5. Direct the Public Works Director to prepare an “Operations & Maintenance” agreement outlining the maintenance vehicle and funding source as described in staff’s report, subject to DTSC approval.

Documentation: M.O. 02-120208
Disposition: Approved

5. TERMINATION OF ANIMAL CONTROL SERVICES AGREEMENT

Recommendation: That City Council:
1. Approve the action to terminate the agreement with the City of Lindsay for animal control services; and
2. Authorize the Mayor to sign the termination letter and all necessary documents.

Documentation: M.O. 03-120208
Disposition: Approved
6. SEARCHLIGHT PURCHASE FOR PUBLIC SAFETY AIR SUPPORT (BLUE SKY AVIATION)

Recommendation: That the City Council approve the expenditure of $10,000 in funds from the Porterville Police Department Asset Forfeiture Account.

Documentation: M.O. 04-120208
Disposition: Approved

7. FY08 HOMELAND SECURITY GRANT

Recommendation: That the City Council:
1. Authorize staff to purchase the equipment under the negotiated bid process, and attend the CSTI course;
2. Authorize the disbursement of funds from the Fire Department’s Firefighting and Rescue Equipment Replacement Fund EL#-2997 for the initial costs; and
3. Authorize the grant reimbursement fund to be deposited in account #EL-2997.

Documentation: M.O. 05-120208
Disposition: Approved

8. REQUEST FOR STREET CLOSURE – MYER’S FOURTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of “E” Street, between Putnam and Cleveland, on December 9, 2008, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

Documentation: M.O. 06-120208
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council accept Item Nos. 2, and 4 through 8. The motion carried unanimously.

1. BUDGET ADJUSTMENTS FOR THE 2008/2009 FISCAL YEAR

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

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
Council Member Pedro Martinez inquired about the status of the hiring process of the additional recreation leaders, and was informed by staff that applications were being accepted, but that no hiring had taken place.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the proposed budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the schedule. The motion carried unanimously.

Disposition: Approved

3. ADOPTING A RESOLUTION APPROVING A LOAN FROM RISK MANAGEMENT FUND TO THE PORTERVILLE REDEVELOPMENT AGENCY FOR THE PURPOSE OF AMENDING THE REDEVELOPMENT AREA BOUNDARIES

Recommendation: That the City Council adopt a resolution approving the loan from Risk Management to the Porterville Redevelopment Agency and establishing the terms for said loan.

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Vice Mayor McCracken stated that he would be abstaining from the item due to his business being located within the redevelopment area boundaries.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council adopt a resolution approving the loan from Risk Management to the Porterville Redevelopment Agency and establishing the terms for said loan.

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

Disposition: Approved

SCHEDULED MATTERS
9. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE ADMINISTRATIVE SERVICES DEPARTMENT

Recommendation: That the City Council:

1. Authorize a change in the Table of Organization and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan; and
2. Authorize the establishment of the Administrative Services Manager
classification at salary range 231 ($6,561-$8,007) and Finance Director at salary range 248 ($7,772-$9,483), effective January 1, 2009, and modify the Classification Plan.

Deputy City Manager Lollis introduced the item and presented the staff report.

The Council inquired about the selection of a department director to serve as Deputy City Manager, and the cost associated with the changes to the administrative services department proposed. The Deputy City Manager stated that the changes would eliminate one full-time position and save the city money.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council authorize a change in the Table of Organization and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan; and authorize the establishment of the Administrative Services Manager classification at salary range 231 ($6,561-$8,007) and Finance Director at salary range 248 ($7,772-$9,483), effective January 1, 2009, and modify the Classification Plan. The motion carried unanimously.

Disposition: Approved

10. FORECLOSED PROPERTY SURVEY INFORMATION

Recommendation: Information Only.

Deputy City Manager Lollis introduced the item, and Development Associate Denise Marchant presented the staff report.

Disposition: No action required.

11. REQUEST APPROVAL OF LOCATION TO ESTABLISH A CARD ROOM LOCATED AT 36 WEST OAK AVENUE

Recommendation: That the City Council consider approval of the proposed card room location at 36 W. Oak Avenue.

Deputy City Manager Lollis introduced the item. Vice Mayor McCracken and Council Member Felipe Martinez recused themselves due to being within 500 feet of the proposed site and exited the Council chambers. The staff report was presented by Associate Planner Jose Ortiz.

Council Member Ward stated that the circumstances had not changed and that he was still concerned with protecting the downtown area.

Community Development Director Dunlap addressed the Council's concern regarding the compatibility of a card room in the downtown area. He indicated that from a planning standpoint, a
card room which was operated appropriately and in compliance with the Police Department would not necessarily be a detriment to downtown.

Council Member Pedro Martinez stated that the proposed location of the card room within an existing business was more appropriate than the previously considered location. He indicated that he could find no basis for disapproval.

Police Chief McMillan addressed concerns regarding the possibility of an overconcentration of licenses.

- Christopher Sanders, address on record, on behalf of the applicant, spoke in support of the item, addressed the Council’s concerns, and indicated that the applicant was willing to operate, if approved in the future, on a probationary period. He advised that the license was under a time limit to open and that hours of operation would be negotiable. Mr. Sanders clarified that there was no direct access to The Brickhouse from the card room.

Council Member Pedro Martinez expressed concern with approving a location and the possibility of then disapproving the card room upon further inspection. City Attorney Lew advised that it would be inappropriate to do so.

A discussion ensued regarding the concerns of neighboring businesses and staff stated that notices had not been sent out, and that noticing would only be required if the licensing requirement mandated noticing it.

City Manager Longley inquired about the vote required for approval of the permit if the item location were to be approved and the item brought back as a public hearing. City Attorney Lew advised that if a resolution or ordinance was not required and the license was approved via minute order, that a majority of the quorum would be sufficient. She added that the Council could approve the location and then upon consideration of public testimony disapprove the location.

Council Member Ward indicated that he was not comfortable approving the location with out considering input from downtown business owners.

Mayor Hamilton stated that there was no risk of oversaturation, no zoning issues and that he found the location to be more conducive to the bar atmosphere.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the proposed card room location at 36 W. Oak Avenue.

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

Disposition: Denied
12. AUTHORIZATION TO DEVELOP A RETAIL RECRUITMENT STRATEGY

Recommendation: That City Council:

1. Authorize a budget adjustment of $45,000 from the CDBG Business Assistance funds to the Main Street Porter Slough project and the reallocation of $45,000 of General Fund carry over from the Main Street Porter Slough project to the Retail Recruitment Strategy;
2. Authorize staff to accept financial commitment from community partners for the Retail Recruitment Strategy; and
3. Authorize staff to negotiate a contract with Buxton for a Retail Recruitment Strategy.

Deputy City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

Mr. Dunlap addressed the Council’s questions regarding Buxton’s clientele and their successes in other cities. He explained that what was being considered would be a start up effort and that continuing with the service would be $12,000 per year if the City chose to do so.

- Dennis Coleman, Sierra View Hospital Board, stated that he was impressed with the presentation given by the Buxton representative and indicated that the board had authorized monetary support of the effort.
- Dick Hatfield, Sierra View Hospital Board, indicated that the amenities in town made it difficult to recruit professionals to the hospital and that the board had authorized a $25,000 contribution.
- Avtar Basra, 134 N. Main, noted that the Chamber had paid for similar services in the past, and stated that he believed a main factor for retailers not coming to town was the high costs of rent for retail spaces, which the City had no control over.

Mayor Hamilton commented that the city needed proper marketing due to not being located on a corridor.

At Vice Mayor McCracken’s request, Deputy City Manager Lollis provided an estimate on the amount of time it would take to re-cooperate the $80,000 in sales tax revenue.

Community Development Director Dunlap addressed Council Member Felipe Martinez’s questions relative to the International Council of Shopping Centers Conferences and advised how Buxton would assist the City in targeting retailers and setting up pre-meetings.

Council Member Pedro Martinez voiced his support of investing in the City’s future and creating jobs for families.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council authorize a budget adjustment of $45,000 from the CDBG Business Assistance funds to the Main Street Porter Slough project and the reallocation of $45,000 of General Fund carry over from the Main Street Porter Slough project to
the Retail Recruitment Strategy; authorize staff to accept financial commitment from community partners for the Retail Recruitment Strategy; and authorize staff to negotiate a contract with Buxton for a Retail Recruitment Strategy. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

13. SUCCESS DAM REMEDIATION UPDATE

Recommendation: Information only.

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Disposition: No action required.

14. USE OF CMAQ FUNDS FOR CONCRETE IMPROVEMENTS

Recommendation: That the City Council:

1. Accept Public Works’ recommendation that the available CMAQ funds be used along Indiana Street from Olive Avenue to near Roby Avenue or portions thereof, for the installation of concrete improvements; and
2. Direct the City Engineer to begin design efforts for the installation of concrete improvements along the street or streets selected by Council.

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council accept Public Works’ recommendation that the available CMAQ funds be used along Indiana Street from Olive Avenue to near Roby Avenue or portions thereof, for the installation of concrete improvements; and direct the City Engineer to begin design efforts for the installation of concrete improvements along the street or streets selected by Council. The motion carried unanimously.

Disposition: Approved

15. CONSIDERATION OF A HOLIDAY DECORATIONS CONTEST

Recommendation: That City Council determine whether to proceed with a holiday decorations contest. In the event the Council wishes to proceed, that the Council:
1. Provide staff direction on the rules and select a deadline for entry;
2. Authorize the expenditure and funding source for advertising costs, if any, and award/signage costs; and
3. Direct staff to publicize and administer the contest.

Deputy City Manager Lollis introduced the item, and presented a brief staff report.

Council Member Pedro Martinez stated that he was in support of a holiday decorations contest for the 2008 holiday season. Council briefly discussed past contests and then directed staff to reference previous contests for administration purposes.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve proceeding with a holiday decorations contest; direct staff to reference past contests to publicize and administer the contest; and authorize the expenditure and funding source for advertising costs, if any, and award/signage costs.

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

Disposition: Approved

ORAL COMMUNICATIONS
- Donnette Silva Carter, Chamber of Commerce, 93 N. Main Street, extended an invitation to the Children's Christmas Parade on Thursday, December 4; and expressed her support of the Council's action on Item 12.

OTHER MATTERS
- Council Member Pedro Martinez reported on a legislative briefing he attended in Newport Beach.
  1. Thanked everyone for the support received by his family;
  2. Spoke of the success of the City of Porterville Team at the Mayor’s Bike Race on December 1st;
  3. Indicated that the e-mail service was not user friendly; and
  4. Requested an update on the neighborhood watch meeting and the enforcement efforts relative to truck parking on Olive.
- Council Member Felipe Martinez:
  1. Reported on his trip to Sacramento for the swearing in of newly elected officials; and
  2. Congratulated Police Chief McMillan for his OES grant writing efforts.
- Mayor Hamilton stated that the Council was featured once again on Will Lloyd’s jib jab video.
- Community Development Director Dunlap advised that the City was sponsoring 1st Friday Coffee on December 5th.
ADJOURNMENT
The Council adjourned at 9:45 p.m. to the meeting of December 10, 2008 at 6:00 p.m.

ATTEST

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor
SUBJECT: CLAIM – JAIME GONZALEZ

SOURCE: Administration

COMMENT: Mr. Jaime Gonzalez has filed a claim in an amount of $128.38 for tire damage that the claimant alleges was sustained when he drove his vehicle over a fractured utility cover located at Olivewood Court and Lime Street on October 20, 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.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Jaime D. Gonzalez   DOB: [redacted]
Claimant's Address: 80 Heatherwood Ct., Porterville
Claimant's Telephone No. (Home) 781-1140  (Work) 562-1354

Address where notices about claim are to be sent, if different from above: [No]

Date of incident/accident: 10-17-08
Date injuries, damages, or losses were discovered: 10-17-08
Location of incident or accident: Olive wood Ct. & Lime St.

What did entity or employee do to cause this loss, damage, or injury? Street utility cover was fractured & piece of cover slashed. Contact fire.

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

What specific injuries, damages, or losses did claimant receive? Right foot fire slashed- needed reconstructing.

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)].

$128.32

How was this amount calculated (please itemize): Cost of fire & mounting

Date Signed: 10-20-08 Signature: [signature]

If signed by representative:
Representative's Name __________________________ Telephone: __________________________
Address e # __________________________
Relationship to Claimant __________________________
### Work Order

**Customer Name:** JAMIE GONZALEZ  
**Salesman:** G7  
**Date:** 10/20/08

**Address:**  
**City:**  
**Zip:**  
**Pick Up At:**

**Car Color:** Gray  
**Phone:** 781-1190  
**Cell:**

<table>
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<th>MAKE AND YEAR</th>
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**Tire Disposal**
- RT FR TIE
- R TIRE LT SIDE TIRE

**Tire and Service Details**
- Valve Stems
- Chrome Stems
- Wheel Balance
- Road Hazard
- Alignment
- Flat Repair

**Terms and Conditions**

*All Parts New unless otherwise indicated*

I hereby authorize the repair work to be done along with the necessary materials. You and your employees may operate vehicle for purposes of testing, inspection or delivery at my risk. An express mechanic's lien is acknowledged on vehicle to secure the amount of repairs therein. You will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control.

**Original Estimate $**

**Authorized By:**

**Work Order Only. Computer generated invoices necessary for warranty. No cash refunds.**
SUBJECT: CLAIM – ADAM HOLT

SOURCE: Administrative Services

COMMENT: Mr. Adam Holt has filed a claim in an amount of $200 for damages to his vehicle’s tire and rim which claimant alleges were caused by poor road conditions on North Main Street south of North Grand on September 19, 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.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: ADAM WOLT

Claimant's Address: 1821 W. SAN LUCIA AVE.

Claimant's Telephone No. (Home): 425-280-2644 (Work): N/A

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

Date of incident/accident: 9/19/08

Date injuries, damages, or losses were discovered: 9/19/08

Location of incident or accident: N. MAIN; SOUTHBOUND (SOUTH OF N. GRAND)

What did entity or employee do to cause this loss, damage, or injury? BY HAVING ROADS SO

HORRIBLE THAT DAMAGE IS EMINENT TO FREQUENT USERS OF ROAD

(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):

N/A

What specific injuries, damages, or losses did claimant receive? NEW HUBCAP AND

TIRE BROKE, HAVING TO CHANGE THEM ON A DANGEROUS SOFT SHOULD

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

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

$700.00 - $166.57 FOR HUBCAP 33.43 FOR NEW TIRE

How was this amount calculated (please itemize): NEW TIRE, HUBCAP, PAIN AND

SUFFERING, AND LABOR

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

Date Signed: 9/19/08 Signature: [Signature]

If signed by representative:
Representative's Name ______________________________ Telephone: ______________________________

Address: ______________________________

Relationship to Claimant ______________________________
701 NORTH MAIN STREET • PORTERVILLE, CA 93257
PARTS DIRECT: 1-559-782-5139 • PARTS WATTS: 1-800-570-5554
PARTS FAX: 1-559-784-5285

Your ONE STOP Source for Genuine Ford Parts
Engine's • Transmissions • A/C Compressors • Starters • Sheet Metal and More!
If we don't have it, we can get it fast! Parts locator for back-ordered or hard to find parts!
Dealership Telephone: 1-559-784-6000

THE ONLY WARRANTIES APPLYING TO THIS PART(S) ARE THOSE WHICH MAY BE OFFERED BY THE MANUFACTURER. THE SELLING DEALER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THIS PART(S) AND/OR SERVICE. BUYER SHALL NOT BE ENTITLED TO RECOVER FROM THE SELLING DEALER ANY CONSEQUENTIAL DAMAGES, DAMAGES TO PROPERTY, DAMAGE FOR LOSS OF USE, LOSS OF TIME, LOSS OF PROFITS OR INCOME, OR ANY OTHER INCIDENTAL DAMAGES.

Thank You! We appreciate your business.

SOLD TO:
RETAIL, CASH SALE! !!!!!NOTICE!!!!!

INV# 012345
CASH

NAD# 000001 M11 50 CP 00
MP617/776 037 09/19/08
A18 10:23:32

VEN PART DESC QTY LIST SELL XSELL
FMC E3AZ1141A *ORNA 1 50.54 50.54 50.54
FMC E3AZ1130D *COVE 1 89.48 89.48 89.48
FMC NPNFRIGEHT ***** 1 15.00 15.00 15.00

SUBTOTAL 155.02
TAX 11.53

TOTAL LINES 3
QUOTE ONLY 166.55

PARTS THAT ALMOST FIT ALMOST WORK! ACCEPT
NOTHING LESS THAN GENUINE FACTORY FORD PARTS!!!!
PAGE 001 OF 001 YOUR ORDER WAS FILLED BY ROBERT VELASQUEZ

NO REFUNDS WITHOUT THIS INVOICE RECEIVED BY:

X

NO RETURNS ON ELECTRICAL OR SPECIAL ORDERED PARTS.
100% DEPOSIT ON ALL SPECIAL ORDERED PARTS. 20% HANDLING CHARGE ON ALL ACCEPTABLE RETURN PARTS. NO REFUNDS AFTER 10 DAYS AND NO REFUNDS WITHOUT THIS INVOICE. RETURN GOODS MUST BE IN ORIGINAL RETURNABLE CONTAINER AND MUST MEET MANUFACTURERS PACKAGING STANDARDS.
SUBJECT: CLAIM – MANUEL MADRIGAL ET AL.

SOURCE: Administrative Services

COMMENT: Manuel Madrigal, Claudia Madrigal, Aracely Madrigal, Julian Madrigal, and Aimee Madrigal have filed a claim against the City in an amount exceeding $25,000 within the unlimited jurisdiction of the Tulare County Superior Court for medical costs, special and general damages. The claimants allege improper road design contributed to the death of Antonio Madrigal, who was involved in a pedestrian vs. motor vehicle accident while crossing the intersection of State Route 190 and Jaye Street on May 13, 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. 4

[Signatures]

DCM

Appro./Funded

CM
CLAIM OF:

MANUEL MADRIGAL, individually;
CLAUDIA MADRIGAL, individually;
ARACELY MADRIGAL, by and through her Guardian ad Litem, CLAUDIA MADRIGAL;
JULIAN MADRIGAL, by and through his Guardian ad Litem, CLAUDIA MADRIGAL;
and AIMEE MADRIGAL, by and through her Guardian ad Litem, CLAUDIA MADRIGAL,

Claimants,

v.

STATE OF CALIFORNIA acting by and through the DEPARTMENT OF TRANSPORTATION (Caltrans); COUNTY OF TULARE, a body politic and corporate of the State of California; CITY OF PORTERVILLE a body politic and corporate of the State of California; DOROTHY MAY SHAW and DOES 1-100, Inclusive

TO THE STATE OF CALIFORNIA, by and through the DEPARTMENT OF TRANSPORTATION (CalTrans); COUNTY OF TULARE a body politic and corporate of the State of California; CITY OF PORTERVILLE, a body politic and corporate of the State of California; and DOROTHY MAY SHAW:

You are hereby given notice of the claim against the above names entity and its directors as hereinafter described:

CLAIMANTS ADDRESS:

MANUEL MADRIGAL
2033 S. Court Street
Visalia, CA 93277

CLAUDIA MADRIGAL
2033 S. Court Street
Visalia, CA 93277
ARACELY MADRIGAL,  
by and through her Guardian ad Litem,  
CLAUDIA MADRIGAL  
c/o LAW OFFICES OF LARRY M. LEE  
2033 S. Court Street  
Visalia, CA 93277  

JULIAN MADRIGAL  
by and through his Guardian ad Litem,  
CLAUDIA MADRIGAL  
c/o LAW OFFICES OF LARRY M. LEE  
2033 S. Court Street  
Visalia, CA 93277  

AIMEE MADRIGAL,  
by and through her Guardian ad Litem,  
CLAUDIA MADRIGAL  
c/o LAW OFFICES OF LARRY M. LEE  
2033 S. Court Street  
Visalia, CA 93277  

NOTICES FOR ALL CLAIMANTS SHOULD BE SENT TO:  

Larry M. Lee  
LAW OFFICES OF LARRY M. LEE  
2033 S. Court Street  
Visalia, CA 93277  
(559) 627-2080  

INCIDENT, INJURY, OR DISCOVERY:  

Time: 11:24 p.m.  
Date: May 13, 2008  
Place: Intersection of State Route 190 and Jaye Street, City of Porterville,  
State of California, County of Tulare  

DESCRIPTION OF INCIDENT, DAMAGE, INJURY:  

On or about May 13, 2008, decedent, Antonio Madrigal (hereinafter referred to as  
"Madrigal"), was involved in a pedestrian vs. motor vehicle accident at the intersection of  
State Route 190 and Jaye Street in the City of Porterville. While attempting to cross the  
intersection of SR190 and Jaye Street at the designated cross walk on the Jaye Street,  
Madrigal was struck by a vehicle headed westbound causing him to suffer fatal injuries.  
Before Madrigal could reach the other side, the light for westbound traffic on SR190 turned  
green, not allowing Madrigal enough time to cross. When Madrigal attempted to cross, there  
was no median to safely wait, and the time to cross was insufficient, which was a cause of  
Madrigal being struck by a vehicle headed westbound, causing him to suffer fatal injuries.  

Due to the Defendants’, and each of their tortious and negligent conduct, actions, and failure  
to act, Claimants, MANUEL MADRIGAL and CLAUDIA MADRIGAL lost their beloved  
minor son, all to their damage. As a further result of the Defendants’, and each of their  
tortious and negligent conduct, actions, and failure to act, Claimants, ARACELY  
MADRIGAL, JULIAN MADRIGAL, and AIMEE MADRIGAL lost their beloved sibling,  
all to their damage.
NAME ALL PERSONS RESPONSIBLE FOR DAMAGES/INJURIES:

THE STATE OF CALIFORNIA, by and through the DEPARTMENT OF TRANSPORTATION (CalTrans); COUNTY OF TULARE a body politic and corporate of the State of California; CITY OF PORTERVILLE, a body politic and corporate of the State of California; DOROTHY MAY SHAW; and DOES 1-100.

AMOUNT OF DAMAGES CLAIMED:

Medical costs, special and general damages exceed $25,000.00, placing this claim within the unlimited civil jurisdiction of the Superior Court of Tulare County.

DATED: 11-12-08

LARRY M. LEE,
Attorney for Claimants
DECLARATION OF SERVICE

I, the undersigned, declare as follows:

I am a legal resident of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is 2033 S. Court Street, Visalia, CA 93277.

On November 12, 2008, I served the attached:

CLAIM PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 910

(By Overnight Courier) I placed each document in a sealed envelope and caused such envelope with fees fully prepaid to be sent to:

Victim Compensation and Government Claims Board (Original and three copies)
400 R Street, 5th Floor
Sacramento, CA 95812

California Department of Transportations (One copy)
595 Market Street
San Francisco, CA 94105

Patrice Hildreth (One copy)
City of Porterville Chief Deputy City Clerk
291 N. Main Street
Porterville, CA 93257

County of Tulare (One copy)
Board of Supervisors
2800 W. Burrel Avenue
Visalia, CA 93291

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 12th day of November, 2008, at Visalia, California.

MONICA GONZALEZ, Declarant

Madrigal v. Caltrans, et. al.
SUBJECT: AWARD OF CONTRACT – HENDERSON AVENUE (JAYE STREET TO SAN JOAQUIN VALLEY RAILROAD CROSSING) REHABILITATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 4, 2008, staff received five (5) bids for the Henderson Avenue Rehabilitation Project between Jaye Street and the San Joaquin Valley Railroad. The contract documents direct the contractor to rehabilitate Henderson Avenue within the defined project limits by implementing a "Full Depth Reclamation" process. This process is considered a rehabilitation project because most of the existing materials remain at the construction sites, whereas under a reconstruction project, the existing materials are removed and new materials are brought in.

The estimated probable cost is $582,387. Funding is from State Transportation Improvement Program (STIP) funds and Local Transportation Funds (LTF).

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mitch Brown Construction</td>
<td>$491,946.84</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2. Cruco Construction</td>
<td>$522,916.50</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>3. JWT General Engineering</td>
<td>$552,443.50</td>
</tr>
<tr>
<td>Clovis, CA</td>
<td></td>
</tr>
<tr>
<td>4. Granite Construction</td>
<td>$600,056.25</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>5. Lee’s Paving</td>
<td>$748,168.60</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Henderson Avenue Rehabilitation Project to Mitch Brown Construction in the amount of $491,946.84;
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:\pub\works\Engineering\Council Items\Award of Contract - Henderson Avenue - Rehabilitation Project - 2008-12-16.doc

Dir BS\ Appropriated/Funded CM . Item No. 5
COUNCIL AGENDA: DECEMBER 16, 2008

SUBJECT: ACCEPTANCE OF PROJECT – NEWCOMB STREET TRENCH PATCH AND CONCRETE REPLACEMENT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: 99 Pipeline, Inc., has completed the Newcomb Street Trench Patch and Concrete Replacement Project per plans and specifications. The project included installation of a trench patch, catch basin, raising storm drain manholes and water valve, replacement of concrete curb, gutter, sidewalk, drive approaches and related pave-outs.

City Council authorized an expenditure of $43,614.45 for construction. Final construction cost is $42,136.50. Funding for the project was approved in the 2008/2009 Annual Budget under storm drain developer impact fees.

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

RECOMMENDATION: That City Council:

1. Accept the project as complete;

2. Authorize the filing of the Notice of Completion.

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

ATTACHMENT: Locator Map

APPRAISER/FUNDED

CM

Item No. 6
COUNCIL AGENDA: 12/16/2008

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – G STREET RECONSTRUCTION PROJECT (FROM HENDERSON AVE TO 700' SOUTH)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the G Street Reconstruction Project (from Henderson Ave to 700' south).

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

The estimate of probable cost for the project is $222,408 with $22,240.75 required for the construction contingency (10%). An additional $11,120.38 is required for construction management, quality control and inspection.

The total estimated cost associated with the project is $255,768.63. An Estimate of Probable Cost is attached for Council's review.

Funding was approved in the 2008/2009 Annual Budget as well as monies provided by Local Transportation Funds (LTF), Local Measure R and Surface Transportation Program (STP).

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Locator Map
Estimate of Probable Cost

P:\pubwork\Engineering\Council Item\Authorization to Advertise for Bids - G Street Reconstruction Project - 2008-12-16.doc
G Street Reconstruction
Henderson to 700' South

Engineers Estimate
8-Dec-08

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Mobilization &amp; Demobilization</td>
<td>$10,000</td>
</tr>
<tr>
<td>2) Traffic Control</td>
<td>$5,000</td>
</tr>
<tr>
<td>3) Demo Clear &amp; Grub</td>
<td>$5,000</td>
</tr>
<tr>
<td>4) 720 C.Y. Excavation @ $20/C.Y.</td>
<td>$14,400</td>
</tr>
<tr>
<td>5) 24,450 S.F. Cl II Ag Base @ $1.39/S.F.</td>
<td>$33,975</td>
</tr>
<tr>
<td>6) 24,450 S.F. Asphalt Concrete @ $1.56/S.F.</td>
<td>$38,200</td>
</tr>
<tr>
<td>7) 1410 L.F. C&amp;G @ $25/L.F.</td>
<td>$35,250</td>
</tr>
<tr>
<td>8) Sidewalk - 2115 S.F. @ $4.50/SF</td>
<td>$9,518</td>
</tr>
<tr>
<td>9) Drive Approach exclusive of curb &amp; gutter - 730 S.F. @ $5.50/SF</td>
<td>$4,015</td>
</tr>
<tr>
<td>10) Curb Return - 2 Ea. @ $2500</td>
<td>$5,000</td>
</tr>
<tr>
<td>11) 475 L.F. 8&quot; Sewer @ $50/Ft.</td>
<td>$23,750</td>
</tr>
<tr>
<td>12) Install SSMH 1 EA @ $5000</td>
<td>$5,000</td>
</tr>
<tr>
<td>13) 4&quot; SS Lateral - 7 EA @ $2000</td>
<td>$14,000</td>
</tr>
<tr>
<td>14) Connect to Existing Sewer - 1 EA @ $1500</td>
<td>$1,500</td>
</tr>
<tr>
<td>15) Relocate MB - 3 EA @ $200</td>
<td>$600</td>
</tr>
<tr>
<td>16) Replace WM - 6 EA @ $1000</td>
<td>$6,000</td>
</tr>
<tr>
<td>17) Catch Basin - 2 EA. @ $2000</td>
<td>$4,000</td>
</tr>
<tr>
<td>18) 18&quot; SD - 90 L.F. @ $80/Ft.</td>
<td>$7,200</td>
</tr>
</tbody>
</table>

Sub Total: $222,408
10% Contingency: $22,241
Total: $244,648

Project Manager: 12/9/08
Public Works Director: 12/9/08
City Engineer: 12/9/08
City Manager: 12/10/08
COUNCIL AGENDA: DECEMBER 16, 2008

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – FIRESTATION NO. 2 CLASSROOM BUILDING HVAC

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Fire Station No. 2 Classroom HVAC project. The project consists of the installation of four HVAC units.

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

The Estimate of Probable Cost for the project is $26,000 with $2,600 required for the construction contingency (10%). An additional $1,300 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $29,900. An Estimate of Probable Cost is attached for Council’s review.

Funding was approved in the 2008/2009 Annual Budget from General Fund Carryover.

RECOMMENDATION: That City Council:

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

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

ATTACHMENTS: Locator Map
Estimate of Probable Cost

P:\Pubs\Tips\Council\2008\Authorization to Advertise for Bids - Fire Station No. 2 Classroom HVAC - 2008-12-16.doc

Dir Appropriated/Funded

CM

Item No. 8
FIRE STATION No. 2
CLASSROOM BUILDING HVAC
Engineers Estimate
10-Dec-08

1) 3 TON 14 SEER HVAC UNITS - 2 @ $6,000
   $12,000

2) 5 TON 14 SEER HVAC UNITS - 2 @ $7,000
   $14,000

Sub Total $26,000
10% Contingency $2,600
Total $28,600

[Signatures]

[Signatures]
SUBJECT: TRUCK PARKING ALONG OLIVE AVENUE IN COUNTY JURISDICTION

SOURCE: Public Works Department - Engineering Division

COMMENT: Several months ago, the County Road Department placed “No Parking Vehicles Over 5 Tons” signs along the south side of Olive Avenue within the County’s jurisdiction. This move effectively stopped tractor/trailer rigs from parking along Olive Avenue within County jurisdiction. The County installed the signs because of constant complaints from area residents regarding the truck parking situation.

Public Works contacted the Highway Patrol about the enforcement effort and the priority of this enforcement. The Highway Patrol informed that they do enforce the “No Parking” notice and have issued tickets from time to time. The Highway Patrol stated that enforcement is a low priority due to their limited resources and the size of their territory. For the most part, enforcement is complaint driven and a patrolman can usually be at the site in 15 to 20 minutes. However from time to time, it may take up to an hour for a patrolman to respond to the complaint.

Staff has monitored the “No Parking” designated area and found a very significant reduction in the number of tractor/trailer rigs that park at this location.

RECOMMENDATION: None. Information only.

P:\pubworks\Engineering\Council Items\Truck Parking along Olive Avenue in County Jurisdiction - 2008-12-16.doc
COUNCIL AGENDA: DECEMBER 16, 2008

SUBJECT: CONTINUATION OF VOLUNTARY ODD/EVEN WATERING SCHEDULE

SOURCE: Public Works Department – Field Services Division

At the November 18, 2008 City Council meeting, a Public Hearing was held and Council approved moving from Phase II back to Phase I of the Water Conservation Plan. However, it was suggested by a council member to continue the voluntary odd/even watering schedule through the winter months.

Staff believes that the voluntary odd/even watering schedule, which was very successful during the summer months, will have less of an impact on reducing consumption during the winter due to less outdoor water uses. However, it may help to instill the odd/even watering program as a permanent water conservation habit.

Staff recommends continuing the voluntary odd/even watering schedule. The public information campaign will be adjusted to focus on the winter conditions and appropriate actions that should be taken, such as turning off automatic sprinkler systems when rain is forecasted.

RECOMMENDATION: That City Council approve continuation of the voluntary odd/even watering schedule and adjust the public information campaign as it relates to winter conditions.

\[\text{P:\putworks\Engineering\Council Items\Continuation of Voluntary Odd Even Watering Schedule - 2008-12-16.doc}\]

Dir Appropriated/Funded N/A CM Item No. 10
CITY COUNCIL AGENDA: DECEMBER 16, 2008

SUBJECT: STATUS OF GRANT WRITER EVALUATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the October 21, 2008 City Council meeting, Council directed staff to solicit interest from qualified individuals and/or firms to act as an On-Call Consultant for preparation of grant applications. A Request for Qualifications was distributed on October 17, 2008 and seven (7) Statements of Qualifications (SOQ) were received by the November 5 deadline. During the November 18, 2008 City Council meeting, Council selected Councilmember Ward to serve on the evaluation team, along with the City Manager, Deputy City Manager, Community Development Director, and Parks and Leisure Services Director.

The evaluation team met on December 5, 2008 to review and rate the SOQs. The team has determined that there is a need to interview the top three (3) individuals and/or firms to answer additional questions regarding their proposals. Interviews have been scheduled for December 22 and it is anticipated that a recommendation to enter into an agreement with the top ranked individual and/or firm will be made to Council at the first regularly scheduled meeting in January 2009.

RECOMMENDATION: For information only.
SUBJECT: Request for Coordination Period for Use of Lindsay Animal Control Facility

SOURCE: City Manager’s Office

COMMENT: City Manager and Police staffs have been working with the City of Lindsay regarding a potential transition in use of the Lindsay animal control facility. The essential concept is that the City of Porterville would operate the facility for its animal control program. The specifics of the property related agreement are now under discussion. It is important, however, that there be a 90-day coordination period regarding this activity. The coordination period will serve similar to an escrow where terms and conditions are finally defined and completely coordinated.

Porterville and Lindsay have mutually notified each other that a full animal control program provided by Lindsay for Porterville will end December 31, 2008. Porterville has purchased equipment and is hiring personnel to undertake the program beginning January 1, 2009.

A holding facility for animals is being established in Porterville and discussions with the City of Lindsay staff regarding using their facility under Porterville management as the basic shelter facility appear to have mutual interest. To act on this interest, Porterville’s notification will need to be amended to permit the 90-day coordination period. At the end of the period all terms of the agreement between Porterville and Lindsay should be defined and presented in public session at a Porterville City Council meeting.

If any costs for the coordination period exceed the current City Budget and the City Manager’s purchase authority of $5,000, a budgetary item will be returned for City Council consideration.

RECOMMENDATION: Authorize a 90-day coordination period with the City of Lindsay regarding the operation of the Lindsay Animal Control Facility.

C/M [Signature] Item No. 12

SOURCE: Finance Department, Purchasing Division

COMMENT: Comision Honorifica Mexico Americana and El Futuro Credit Union is requesting approval to hold an event, “Directo a Mexico” on Saturday, January 10, 2009 from 12:00 p.m. to 5:00 p.m. The following is the requested street closure and sidewalk use:

STREET (CLOSE FROM 12:00 P.M. TO 5:00 P.M.):
Mill Avenue from Main Street to Second Street;

SIDEWALK:
Mill Avenue from Main Street to Second Street

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,” and a map indicating the desired closures is included.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Comision Honorifica Mexico Americana and El Futuro Credit Union, subject to the stated requirements contained in the Application, Agreement and Exhibit “A.”

ATTACHMENT: Community Civic Event Application and Agreement, Street/Sidewalk Closure Request, Exhibit “A”, Map and Exhibit “B”.

Appropriated/Funded: N/A  C.O. Item No. 13
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 1/25/1998  Event date: 1/10/99  Event time: 12:00 Noon
Name of Event: DIRECTO A MEXICO
Sponsoring organization: COMISION HISPANICA MEXICO AMERICANA
EL FUTURO CREDIT UNION  PHONE # 784-7901
Address: 132 N MAIN ST PORTERVILLE CA 93257
Authorized representative: RAUL PIKETT  PHONE # 784-7901
Address: 132 N MAIN ST PORTERVILLE CA 93257
Event chairperson: RAUL PIKETT  PHONE # 784-7901X105
132 N MAIN ST PORTERVILLE CA 93257
Location of event (location map must be attached): W 5th St (between Main and 2nd)

Type of event: Commemoration, new partnership, with condition on
Mexican expansion of services to local members
Nonprofit status determination: EL FUTURO CREDIT UNION IS: low income

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

<table>
<thead>
<tr>
<th>Barricades (quantity):</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police protection</td>
<td>Yes No</td>
</tr>
<tr>
<td>Refuse pickup</td>
<td>Yes No</td>
</tr>
</tbody>
</table>

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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bus Lic Spvr</td>
</tr>
<tr>
<td></td>
<td>Pub Works Dir</td>
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<tr>
<td></td>
<td>Comm Dev Dir</td>
</tr>
<tr>
<td></td>
<td>Field Svcs Mgr</td>
</tr>
<tr>
<td></td>
<td>Fire Chief</td>
</tr>
<tr>
<td></td>
<td>Parks Dir</td>
</tr>
<tr>
<td></td>
<td>Police Chief</td>
</tr>
<tr>
<td></td>
<td>Deputy City Mgr</td>
</tr>
</tbody>
</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 City of Porterville Council's approval.

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.

El Futuro Credit Union

(Name of Organization)  (Signature)  (Date)

2 of 4
CITY OF PORTERVILLE

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

Name of event: DIRECTO A MEXICO

Sponsoring organization: EL FUTURO CREDIT UNION

Event date: 1/10/09 Hours: 12:00 noon - 5:00 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>
</tr>
</thead>
<tbody>
<tr>
<td>Mill</td>
<td>Main</td>
<td>Second</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mill</td>
<td>Main</td>
<td>Second</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
</table>
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: ____________________________________________

Sponsoring organization: __________________________________

Location: ___________________________________________ Event date: __________ Event time: __________

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></td>
<td></td>
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3 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICO AMERICANA
AND
EL FUTURO CREDIT UNION
“DIRECTO A MEXICO”
JANUARY 10, 2009

Business License Supervisor: S. Hartman
No requirements.

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap
No comments.

Field Services Manager: B. Styles
No comments.

Fire Chief: M.G. Garcia

Parks and Leisure Services Director: J. Perrine
No comments.

Police Captain: S. Rodriguez
See attached list of recommendations, conditions and requirements on Exhibit “B”.

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

Sponsor: Comision Honorifica Mexico Americana, El Futuro Credit Union
Event: Directo a Mexico
Event Chairman: Raul Pickett
Location: Mill Avenue, between Main and Second.
Date of Event: January 10, 2009

RISK MANAGEMENT: Conditions of Approval

That the Comision Honorifica Mexico Americana and El Futuro Credit Union 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, Porterville Redevelopment Agency, 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

1. 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.

2. 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:\VIII, and the insurance company must be an “admitted” insurer in the State of California.
Anita Gustuson

From: Silver Rodriguez
Sent: Wednesday, December 10, 2008 5:31 PM
To: Anita Gustuson
Subject: RE: Please Rush-CCE-Directo A Mexico

Hello Anita:
The Police Department makes the following recommendations, conditions or requirements for this event:

- City Council approval is required for all street closures
- Organizers should use appropriate barricades to effectively close the street and warn motorists of non-access to the area
- Upon conclusion of event, organizers should promptly remove barricades to open street for traffic
- Organizers should post signs on Mill Street 24 hours prior to event, as notice to street parking users that area will be closed on day of event
- Any amplification of sound/music/etc. will require a Sound Amplification Permit. Application available at Police Dept/ Parks Dept./ or Finance.
- Recommend organizers notify affected business owners (Frank's Pastries, etc.)

Could you please send me via e-mail a copy of the CCE application and any other forms they submitted. Thanks,

Silver Rodriguez

From: Anita Gustuson
Sent: Tuesday, December 09, 2008 11:16 AM
To: John Lollis; Susan Perkins; Brad Dunlap; Baldo Rodriguez; Bryan Styles; Jim Perrine; Silver Rodriguez; Mario Garcia
Cc: Patrice Hildreth; Debbie Salter
Subject: Please Rush-CCE-Directo A Mexico

This event will be held to commemorate the new partnership with a credit union in Mexico, sponsored by Comision Honorifica and the El Futuro Credit Union. Street and sidewalk closure is requested on Mill Avenue from Main Street to Second Street. A radio station will be broadcasting from this location. An outside amplifier permit will be requested from the Police Department. A certificate of liability insurance has been requested, naming City of Porterville and Redevelopment Agency.

Please return any comments before Thursday, December 11, 2008. This will be on the council agenda, December 16, 2008. Thanks for your help.

Anita Gustuson

EXHIBIT "B"

12/11/2008
SUBJECT: LEGAL SERVICES AGREEMENT- CITY ATTORNEY

SOURCE: Administrative Services

COMMENT: Attached is the proposed Legal Services Agreement between the City of Porterville and McCormick, Kabot, Jenner & Lew, and Julia M. Lew. The Agreement provides for an hourly fee for legal services by attorneys, an hourly rate for services by law clerks and paralegals, and is for the period of January 1, 2009 to December 31, 2010.

RECOMMENDATION: That the City Council:

1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

2. Draft Legal Services Agreement
November 26, 2008

[VIA FACSIMILE: (661) 362-4008]

Mayor and City Council of the
City of Porterville
Attn: City Manager
291 North Main Street
Porterville, California 93257

Re: Proposed Contract for Legal Services -- City Attorney

I am pleased to present the proposed contract for City Attorney services, enclosed. The term of the firm’s current Legal Services Agreement with the City is set to expire on December 31, 2008. The proposed contract provides for an hourly fee for legal services by attorneys and like the prior contract is for a period of two years. The only proposed change to the current arrangement is an increase in the hourly rate for services by attorneys to $150.00 per hour.

Pursuant to the terms of the current Agreement, I have placed my personnel evaluation on the December 2nd closed session agenda. It has truly been a pleasure serving as your City Attorney for the past several years, and I hope that you will grant me the opportunity to continue in this role. If you have any questions or require any additional information, please feel free to contact me.

Thank you for your consideration.

Very truly yours,

Julia M. Lew

cc: John Longley, City Manager
    John Lollis, Deputy City Manager

JML:img
Enclosures
LEGAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into as of the ___th day of December, 2008, by and between the CITY OF PORTERVILLE, a municipal corporation, hereinafter referred to as CITY, and McCORMICK, KABOT, JENNER & LEW, a professional law corporation, and JULIA LEW, hereinafter referred to as ATTORNEYS, and based upon the exchange of mutual promises hereinafter contained, the parties agree as follows:

1. The CITY hereby hires JULIA M. LEW as its City Attorney, to serve as such municipal officer at the pleasure of the City Council of the City of Porterville. The compensation to be paid JULIA M. LEW for her services as City Attorney shall be included in and made a part of the compensation arrangement herein provided for as it relates to other legal services to performed for and on behalf of the CITY:

2. The CITY hereby hires McCORMICK, KABOT, JENNER & LEW, a professional law corporation, to do and perform legal services for and on behalf of the CITY, together with such legal services as may be required of the City Attorney for the City of Porterville.

3. This Agreement may be terminated by either party upon thirty (30) days written notice to the other. The term of this Agreement shall begin on January 1, 2009, and extend through December 31, 2010. Furthermore, this 2008 Agreement shall terminate should JULIA M. LEW permanently leave the firm or her position as City Attorney.

4. CITY shall pay ATTORNEYS the sum of ONE HUNDRED FIFTY DOLLARS ($150.00) per hour, and shall pay the sum of SEVENTY FIVE DOLLARS ($75.00) per hour for law clerks and/or paralegals for each hour of services, in one quarter hour increments. ATTORNEYS shall bill CITY
monthly for their services rendered in the CITY's behalf during the prior month. ATTORNEYS shall categorize the billings by City department and/or projects, as specified by the City Manager.

5. The services to be provided by the ATTORNEYS for the CITY shall include all legal services rendered at the request of the CITY, to include but not be limited to the following: Appearances at all necessary staff meetings, board or commission meetings; conferences with any staff member who might call for assistance; drafting of ordinances, leases, contracts, and other normal and customary legal documents; attendance at City Council meetings; attendance at other meetings in which the CITY has a vital interest; litigation which requires representation of the CITY, City officers or City Council persons in any trial or Appellate Court; representation of the CITY's interest in connection with eminent domain and condemnation proceedings; representation of the CITY's interest at necessary public hearings, meetings and legislative meetings conducted outside of the CITY limits of the City of Porterville; representation of the CITY's interest with regard to labor relations; labor negotiations (if requested) or labor litigation; prosecution of violations of the City Code of the City of Porterville; representation in personnel matters in any administrative hearing procedure and/or litigation; representation of the CITY in all Pitchess motions before trial court; and other legal services not described above.

6. By specifying the areas of representation in the immediately preceding paragraph, it is not the intention of the parties to preclude the CITY from hiring or engaging other attorneys to act on its behalf in any area of concern to CITY.

7. The ATTORNEYS shall provide all reasonable and necessary facilities, equipment, books, supplies, stenographic and secretarial services, insurance policies and other property or services necessary to carry out and provide the required legal services pursuant to this Agreement.

8. It is understood that this Agreement provides for the services by the ATTORNEYS as the City Attorney for the City of Porterville on a contractual basis and not upon an employer/employee basis.
9. From time to time, the individual named in this Agreement as the City Attorney may designate other attorneys within the Law Firm to act in her place or stead in matters relating to affairs of the CITY.

10. The CITY agrees to reimburse the ATTORNEYS for any and all out-of-pocket expenses incurred on behalf of the CITY, including but not limited to, court reporter fees and charges, title company fees and charges, court costs, costs of outside investigators or experts pertaining to CITY litigations, telephone expenses, travel expenses (including meals and lodging outside the corporate limits of the County of Tulare), and membership fees in the League of California Cities Municipal Attorney's Section. Use of personal automobiles shall be reimbursed at the rate permitted under the US Internal Revenue Code. Copying charges shall be at the rate of Twenty Cents (.20¢) per page and it is expressly understood that said charges shall be kept to an absolute minimum and that CITY facilities shall be utilized for such services whenever possible. All such costs and expenses to be reimbursed by CITY shall be billed from time to time and paid by CITY in due course after receipt of billing.

11. It is further understood that in the interest of the City of Porterville the City Attorney and members of the appointed law firm shall keep abreast of rapidly changing developments of municipal law and the City Attorney will be expected to attend appropriate conferences of the League of California Cities, and such other courses and seminars on municipal law as may be mutually deemed necessary to maintain current proficiency. The City Attorney shall be reimbursed for reasonable out-of-pocket expenses for travel, lodging and incidental expenses in connection with attendance at such conferences, courses and seminars. The City Attorney will be expected to attend at least one of the above referenced conferences, courses or seminars without being reimbursed on an hourly basis and provided for in this Agreement.
12. The City Attorney and law firm shall not accept private cases or clients which will or in the reasonable exercise of their judgment may, in the future, create conflicts of interest between the CITY and such clients or cases and shall not be involved in legal matters which, by reason of this Agreement, violate any state law or court holding.

13. The City Council shall annually meet, in closed session, with the City Attorney, to review the performance of the services provided under this Agreement. Said review shall occur on or before the first Council meeting in the month of December of each year.

The Agreement is entered into as of the date first mentioned above.

CITY OF PORTERVILLE
A Municipal Corporation

BY ______________________
Cameron Hamilton, Mayor

McCORMICK, KABOT, JENNER & LEW
A Professional Law Corporation

BY ______________________
Julia M. Lew, City Attorney
SUBJECT: PROPOSAL TO FORM PART-TIME PORTERVILLE AIRPORT AREA MANAGER

SOURCE: Administration

COMMENT: It is proposed by incoming City Manager John Lollis that the City Council consider the formation of a part-time, at-will Airport Area Manager (under direction and supervision of the City Manager), responsible for the overall general management of the development and operations at the Porterville Municipal Airport, as well as pursuing economic development opportunities on non-aviation Airport properties to enhance the financial stability of the Airport operation.

Recommended position responsibilities would include Airport budget management, supervision of staff performing duties required in the maintenance and operations of the Airport, legal compliance of Airport operations in accordance with governmental regulations, pursue and utilize grant funding to implement projects within the Airport Capital Improvement Program, implementation of a marketing program that improves the utilization and financial return on Airport properties and facilities, serve as project manager (or coordinate with other City employees) as assigned by the City Manager for the development or redevelopment of properties in the Airport area, and other duties and responsibilities as directed by the City Manager.

It is recommended that the position be employed twelve (12) hours per week, not to exceed 667 hours per year, with an annual compensation not to exceed $40,000. Budget allocations for the position would be 67% to the General Fund and 33% to the Airport Fund.

RECOMMENDATION: That the City Council authorize the formation of a part-time, at-will Airport Area Manager, including the indicated work schedule and compensation.

ATTACHMENT: None

C/M appropriated/funded Dir. Item No. 15
SUBJECT: Consideration of Establishing New Commissions in the City of Porterville

SOURCE: City Manager's Office

COMMENT: Members of the Council have recommended that the creation of two commissions be considered, including a Youth Commission and an Arts Commission.

1. **Youth Commission**: The establishment of a Youth Commission has been a matter of interest for more than a year. Most recently, Councilmember Pedro Martinez has been meeting with students from each of the area high schools, as well as Porterville College. From these meetings he has found that there is a distinct interest on the part of the students in forming a Youth Commission. The recommended process would be to authorize the current group to continue meeting officially as an interim Youth Commission, their main job being to formulate a proposed ordinance or resolution, establishing a Youth Commission for the City. Councilmember Pedro Martinez would continue to work with the commission in formulating the ordinance, as would City staff.

2. **Arts Commission**: During the recent League of California Cities annual conference, Councilmember Brian Ward attended a seminar on the community benefits of encouraging and fostering the community environment in support of the fine and performing arts, including the establishment of an Arts Commission and an Art in Public Places Ordinance. A recent economic study conducted by the National Service Organization for Municipal and Non-Profit Arts Organization deducted that the rate of return on investment in the Arts was $7 to $1. The Porterville community currently demonstrates significant support for the fine and performing arts, as evidenced in its rich music tradition (marching bands, Fabulous Studio Band, Mariachi Academy, etc), the theatrical arts (Barn Theater), and the fine arts (Porterville Art Association, downtown murals, etc). Similar to the formation of the Youth Commission, the recommended process would be to authorize a community group to meet and formulate a proposed ordinance or resolution to establish an Arts Commission. Councilmember Ward could work with the committee in formulating the ordinance, as would City staff.

RECOMMENDATION: Form an interim Youth Commission and a Community Arts Commission, asking both to develop draft ordinances or resolutions establishing the Commissions of the City for the Council’s consideration.

C/M  

Item No. 16
SUBJECT: CITY COUNCIL STUDY SESSION TO REVIEW THE LATEST DEVELOPMENTS WITH THE COMPREHENSIVE ZONING ORDINANCE UPDATE AND PROVIDE COMMENT ON THE PROPOSED STANDARDS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT—PLANNING DIVISION

COMMENT: Staff has been moving forward on the creation of a comprehensive zoning and subdivision ordinance for the City of Porterville to implement the Porterville 2030 General Plan that was adopted in March 2008.

Dyett and Bhatia Urban and Regional Planners prepared the General Plan and are now working with staff to prepare the Zoning Ordinance. So far they have provided staff with a series of documents (including “Modules”) containing important policy decisions and proposals for the organization of the ordinance and the development standards contained therein.

During the past several months, a Zoning Ordinance Update Committee, made up of the General Plan Update Advisory Committee has been meeting with staff and reviewing these modules in order to provide our consultant with needed direction and comments. Additionally, a Zoning Ordinance Technical Committee has been meeting with staff for the same purpose to obtain technical feedback. Many good ideas have come from these meetings.

Staff is presenting the ideas developed so far to the Council for further direction and feedback. Because the amount of information is significant and couldn’t be completely covered in one meeting, staff is making a significant effort to summarize the information and focus only on major policy issues.

The presentation that will be made avoids significant attention to commonly agreed upon direction and focuses instead on issues where there may be a wide range of, or differing, opinions among staff and the committees. Also included are policy changes that are considered to be very significant in the way that they will effect the community and need to be brought into the spotlight early to avoid surprises later.

RECOMMENDATION: For information purposes only

ATTACHMENTS:
1. Copies of the presentation slides that will be used during the Study Session

2. A Compact Disc containing all of the modules and other information that has been used to review these policies and standards with staff and the committees

Item No. 17
City of Porterville

Zoning and Subdivision Ordinance Update
City Council Study Session
December 16, 2008

Partner Firms

- Zoning Ordinance and
Downtown Overlay Zone

- Airport Overlay Zone

DYETT & BHATIA
Urban and Regional Planners

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Zoning Ordinance Update Committee

- Greg Woodall
- Dave Hansen
- Henry Dugan
- Renn Spence
- Dennis Coleman
- Tom Yelich
- John Searcy
- Emerson Stry-Caruba
- Keith Haney
- Nick Mechan
- Jack Wendt
- Brian Green
- Earl Roberts
- John Ely
- Gilbert Yelich

Woodall Homes
Tike River Basin Development Corp.
Toyo Realty REA
Sparrow Outpatient Power
Sierra View District Hospital
Rite Aid Corp.
Porterville Unified School District
Chamber of Commerce
Living Wood
Global Drug Testing
Pensacola Supply
Bacic Homes
Cal Bean
Porterville Area Ministerial Association
Member at Large

Zoning Ordinance Technical Committee

- Jino Winton
- Mark Hillman
- Donna Shanley
- Dennis Townsend
- Chris Sanders

Winton and Associates
Hillman Building Design
Roberts Engineering
Townsend Architectural Group
CMS Construction Services Consultant

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Meetings and Workshops

- 05/08/08 - Committee - Kickoff
- 06/12/08 - Committee - Initial Ordinance
- 07/07/08 - Tech Committee - Kickoff
- 07/10/08 - Committee - Issues and Options
- 08/07/08 - Committee - Issues and Options
- 08/14/08 - Consultant - Downtown Survey
- 08/28/08 - Committee - Module 1
- 09/04/08 - Committee - Module 3
- 09/04/08 - Tech Committee - Module 1
- 09/18/08 - Committee - Module 2
- 09/18/08 - Tech Committee - Module 3
- 09/25/08 - Tech Committee - Module 2

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Meetings and Workshops Cont.

- 10/02/08 - Committee - Module 4
- 10/07/08 - Staff - Module 2
- 10/15/08 - Tech Committee - Module 4
- 10/21/08 - Staff - Module 3
- 10/22/08 - Staff - Module 4
- 10/22/08 - Tech Committee - Module 5
- 10/23/08 - Committee - Module 5
- 10/27/08 - Staff - Module 5
- 10/28 - 29/08 - Consultant - Working Session in S.F.
- 11/20/08 - Committee - Downtown
- 11/20/08 - Tech Committee - Downtown
- 12/11/08 - Staff - Downtown
Important Milestones in Process

- Stakeholder Interviews
- Issues and Options Document
- Table of Contents
- Module 1 - Land Uses
- Module 2 - Standards
- Module 3 - Subdivisions
- Module 4 - Additional Standards
- Module 5 - Administration
- Council Study Session
- Draft Comments
- Administrative Draft
- Hearing Draft
- Public Hearing
- Adoption of Final Draft
  Conducted by Consultant
  Reviewed by Staff and Committees
  Reviewed by Staff and Committees
  Reviewed by Staff and Committees
  Reviewed by Staff and Committees
  In Process
  In Process
  Anticipated in February 2009
  Anticipated in April 2009
  Anticipated in June 2009

Purpose of Ordinance Update

- Implement the Policies of the General Plan
- Improve the Organization of the Ordinance:
  - Effort to minimize dramatic changes
  - Effort to use existing ordinance where feasible
  - Effort to re-name uses to reflect modern terminology
  - Emphasis is on consolidating and streamlining standards
  - New Standards where needed
  - Final product will have illustrations

Proposed Zoning Districts

- AC – Agriculture & Conservation
- RR – Rural Residential
- PS – Public & Semi Public
- REC – Commercial Recreation
- PK – Parks and Public Recreational Facilities
- FP – Floodplain Overlay

- PU – Residential
- RD – Commercial
- MU – Industrial
- BS – Business Service
- CS – Commercial Service
- RS – Residential Service
- CR – Commercial Recreation
- PR – Parks and Public Recreational Facilities
- DR – Drainage

Proposed Zoning Districts

- RS1 – Very Low Density Residential
- RS2 – Low Density Residential
- RM1 – Low-Medium Density Residential
- RM2 – Medium Density Residential
- RM3 – High Density Residential
- RN – Residential Neighborhood
- NC – Neighborhood Commercial
- RC – Retail Centers
- GC – General and Service Commercial
- CMX – Commercial Mixed Use
- PO – Professional Office
- IP – Industrial Park
- IG – General Industrial

New Zoning Tables

(A sample of the larger table included in the Ordinance)

Table Footnotes

(A sample of the larger table included in the Ordinance)
Example of Use Grouping:
Automobile Sales and Service

(A sample of the larger table included in the Ordinance)

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<tr>
<th>Use</th>
<th>Accessory Uses and Structures</th>
<th>Commercial Residences and Recreation</th>
<th>Commercial Entertainment and Recreation</th>
<th>Commercial Service Districts</th>
<th>Commercial Service Stations and Car Washing</th>
<th>Large Vehicle and Equipment Sales, Service and Rental</th>
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Existing vs. Proposed

(A sample of the larger table included in the Ordinance)

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<tr>
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Additional Supplemental Regulations

- Accessory Uses and Structures
- Adult Oriented Businesses
- Alcoholic Beverage Sales
- Animal Keeping
- Automobile/Auto Service Repair, Major and Minor
- Automobile Service Stations and Car Washing
- Family Day Care, Large
- Hazardous Waste Management Facilities
- Home Occupations
- Manufactured Homes
- Mobile Home Parks

Additional Supplemental Regulations Continued

- Outdoor Retail Sales
- Personal Storage Facilities
- Recycling Collection Facilities
- Residential Care Facilities, General
- Second Dwelling Units
- Social Service Facilities
- Temporary Uses

Organization of Regulations

- Each zoning district chapter will contain a table containing essential development standards

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Organization of Regulations Cont.

- Each table will have additional provisions that expand on summary provisions listed in the table.
Organization of Regulations Cont.

- Include a section titled "General Site Regulations" for supplemental city-wide standards
  - Includes fences
  - Includes projections into setbacks
  - Includes screening
  - Includes trash enclosures

Agricultural/Rural/Conservation District

- Preserve ag and resource conservation areas while allowing limited residential uses.
  - Larger lot areas
  - Deeper setbacks (to prevent suburban-style housing)

Habitat Conservation

- Require a biologic report for habitat conservation projects
- Mitigation measures
- Setback requirements from conservation areas
- Prohibit land divisions unless setbacks are met

Residential Districts

- Combine single- and multi-family districts into one chapter
- Add small lot residential development
- If four (4) or fewer lots in development, small lots allowed with CUP
- If five (5) or more lots in development, small lots allowed with CUP if special street, site and building design elements are provided

Some of These Design Requirements Include:

- Sidewalk improvements
  - Kerbsides
  - Sidewalks
  - Curb Inlets
  - All maintained by FPOA or similar Organization
- paved or built-up storm sewer system standard
- Special parking materials for weekend areas
- Variable front yards
- Variety of lot widths
- Variable garage access
- Rambler and porches
- All-purpose parking
- Sloped or drained driveways
- Architectural Diversity

SFR Design Standards

- Limitations on garage doors to 50% or less of home façade
- 3-door garages only on lots 85 feet wide or larger
- Window trim or recess
- Quality in exterior materials, including siding, roofing, and energy conservation
- Minimum spacing of windows to prevent large blank walls on street-facing facades

MFR Design Standards

- Limitation on amount of parking facing streets
- Units along ROW to have primary entrance facing ROW
- Projected or recessed building entrances
- Menus of options for architectural variation
  - Façade articulation
  - Variable roof form
  - Façade detailing and materials
  - Use of balconies, bay windows or other projections
Commercial Districts
- Introduction of minimum lot widths and sizes
- Introduction of minimum heights of 28 feet in mixed use zones and downtown (as opposed to only maximum heights previously)
- Transition to adjacent residential zones with height and setbacks
- Introduction of “Build to” lines
- Residences behind or above commercial uses in mixed use and neighborhood commercial zones

Commercial Districts
- Supplemental regulations are proposed for centers that contain 80,000 square feet or more of floor area.
  - Entry plazas
  - Pedestrian walkways
  - Open space
  - Parking setbacks
  - Loading areas
  - Design criteria
  - Findings for approval

Employment Districts
- Introduction of minimum lot area, width, or depth:
  - 6,000 square feet for PO District
  - 20,000 square feet for IP District
  - 10,000 square feet for the IG District
  - Allowance for smaller sites with CUP

Employment Districts
- Reduce height limit in IG district from 100 feet to 50 feet (with exception to certain projections)
- Include appropriate setbacks in IP zone when adjacent to arterial road.
- Include appropriate setbacks for all Employment Districts when adjacent to residential.

Employment Districts
- Include regulations on parking setback and screening requirements:
  - On all streets in PO District
  - On arterial and collectors only in IP and IG Districts.

General Site Regulations
- Building projections into yards
- Development on substandard lots
- Fences and freestanding walls
- Green building standards
- Heights and height exceptions
- Intersection visibility
- Lighting and illumination
- Outdoor storage
- Pedestrian orientation
- Screening
- Stormwater pools
- Trash and refuse collection areas
- Truck docks, loading, and service areas
- Underground utilities
Affordable Housing Density Bonus and Other Incentives

- Brings ordinance into compliance with State Law.
- We could consider additional incentives for three or more bedroom units if we'd like.

Landscaping

- Exemption to landscape requirements proposed for projects that are an expansion of 10% or less of existing structure.
- Alternative Landscape Plan for sites with unique characteristics.
- Focus on minimizing watering use.
- Further detail irrigation specifications.

Parking

- Focus is on providing additional flexibility.
- Update to correspond with new land use classifications.
- Parking reductions for certain situations.
- Suggestions to modify downtown parking districts to correspond with proposed Downtown Overlay.
- Bicycle parking standards added.
- Adjustments to loading areas.
- Revise and expand the parking area design and development standards.
- Reduction in parking space length to 19'. Or perhaps 18'?
- Increase parking lot landscaping requirements.
- RV parking regulations included.

Signs

- Effort to clarify and strengthen the existing code to ensure appropriate signage by regulating the number of signs, sign area, placement, use of illumination and electronic messages, as well as maintenance and restrictions on temporary signage.
- Standards incorporated into a table for clarity.
- Provisions of Master Sign Program are included.
- Allowances for some flexibility.
- List of exempted signs expanded, clarified and standardized.

Telecommunication Facilities

- Retain bulk of existing regulations.
- Regulations re-organized for ease of use.
- Effort to prevent visual blight.
- Standards to govern the location and size of amateur antennas.
- Camouflaged facilities allowed in all districts, except for within 300 feet of an R district.

The Subdivision Ordinance

- Subdivision Ordinance was substantially revised effective May 31, 2007, but further changes are needed to implement the 2030 General Plan.
- More detailed information on duties of the Council and staff are laid out.
Major and Minor Subdivisions

- Preliminary review is optional rather than required.
- City's ability to require additional information.
- Revised department review process to include public agencies and utilities.
- Tie commencement of action to approval of Environmental Document.
- New findings for approval.
- Provisions for the filing of multiple maps.

Dedications, Reservations and Improvements

- Expansion of required dedications to implement General Plan policies.
- Revision of street width, block length and other design standards to conform with General Plan.

Non Conforming Uses and Structures

- Increase flexibility in handling these situations.
- Introduction of "benign" uses and structures.
- Clarification of continuance of Adult Businesses
- Alterations and expansions to SFK's, non-conforming parking, and lot coverage allowed.
- Class I and Class II regulations.
- Bring ordinance into compliance with State Law.
- Allows the re-establishment of non-conforming use, with a CUP, if certain findings can be made.

Administration

- The purpose of this part of the zoning ordinance update is to clearly convey who is responsible for making decisions on zoning applications and to explain the process for securing approvals.

Planning Agency

- City Council
- Zoning Administrator

Zoning Conformance Review

- Zoning Administrator or Staff Reviews applications for:
  - Business Licenses
  - Building Permits
  - Other Enforcements
  - Issuance of a Zoning Certificate
  - Zoning Certificate could replace need for Home Occupation Permit
Site Plan Review
- Required for projects based on specified criteria:
  - Number of Residential Units
  - Size of Building Space
  - Location

(Page 3 of the Module for Specific Thresholds Proposed)

Conditional Use Permits
- Expands on the provisions included in the existing ordinance.
- Requires findings to be made by the City Council to reinforce the decisions being made.

Temporary Use Permits
- Standards for temporary uses, proposed in Module 1, address operational issues such as:
  - Location
  - Time Limits
  - Duration
  - Permits would be issued "Over the Counter" by the Zoning Administrator

Variance
- Expansion of provisions to be consistent with State Law.
- Description of authority to grant variances and circumstances under which variances are prohibited.
- Combines requirements for procedures with CUP's where they overlap.
- Includes text that Use Variances are not allowed.

Adjustments
- Alternate means of granting relief from ordinance requirements.
- Allows Zoning Administrator ability to grant minor exceptions to dimensional requirements when consistent with the purpose of the ordinance and General Plan, of to 10% of the requirement.
- Requests for adjustments that would exceed 10% would be referred to the City Council.
- Requires findings to be made.

Appeals
- Specifies who may file appeal
- Establishes time limits for appeals
- Establishes procedures for filing appeals
Development Agreements
- Streamlined Procedures
- Council Determination prior to Zoning Administrator enters into agreement

General Plan and Zoning Map and Text
- Emphasizes supremacy of General Plan as the basis for all land use decisions
- Basic requirements for citizen participation
- Referral to other public agencies
- Basic requirements for amending the zoning ordinance and zoning map.

Enforcement
- Additional procedures for nuisance abatement
- More specific definitions
- Additional remedies for non-compliance

Summary of City Council Duties
- General Plan Amendments
- Zoning Map and Text Amendments
- Conditional Use Permits
- Variances
- Major Subdivisions
- Site Plan Review for Larger Projects
- Appeals of the Zoning Administrator Decisions
- Appeals of the Planning Board Decisions
- Development Agreements
- Schedule of Fees
- Revoke Use Permit
- Decide on Developer Incentives

Summary of Zoning Administrator Duties
- Professional Recommendations to the Council
- Site Plan Review for Smaller Projects
- Temporary Use Permits
- Adjustments
- Determine Zoning Conformance
- Negotiate provisions of Development Agreements
- Administrative Regulations
- Administratively approve or deny use when ordinance allows.

DOWNTOWN
**Downtown Goals**
- Support thriving, vital downtown
- Diversified economic base
- Vibrant mixed-use community
  - More housing
  - Convenient community services
  - Outdoor living space
  - Less dependency on auto transportation
- Pedestrian friendly downtown

**Pedestrian Amenities in the Public Right of Way for new buildings or major additions**
- Sidewalks
- Street Trees
- Landscaping
- Benches and Trash Receptacles
- Street Lights

**Downtown Retail- North of Olive Avenue (DR-N)**
- Pedestrian-oriented environment
- Shops and restaurants lining Main Street
- Residential or office uses on upper floors
- Buildings line the street
- Parking on streets and in lots located off Main
- Sidewalk shaded with trees, awnings, etc.
- Outdoor Cafe area permitted along the sidewalk
- Continuous rows of street trees

**Building Form - DR-N**

**Historic Building Façade Renovations**

Downtown Mixed Use (D-MX)
- Attracts businesses and residents in Downtown
- Provides transition between commercial areas and residential neighborhoods
- Mix includes commercial, service, office, and residential uses
- Attractive streetscape with landscaping and trees
- Buildings line the street

Downtown Professional Office (D-PO)
- Adaptive re-use of existing buildings
- Infill of new small office buildings
- 1-2 story buildings, up to 30' or 40' with GUP
- Building form typical of 1920s residential
- Buildings and entrances face the street
- Continuous row of street trees
- 20 foot landscaped front yard
- Parking on street, in garages, or at side/rear
- Plaster strips should be maintained

Building Form – D-PO (new construction)

Building Form – D-PO (renovations)

Putnam Street – D-PO

Cleveland and Thurman – D-PO
**Downtown Retail – D Street (DR-D)**
- Mix of medium-scale retail and service uses
- 15-20 ft landscaped front yard
- Parking on the streets or at side/rear
- 10 ft landscaping buffers sidewalks from parking
- New 18 in. wide landscaped median with tree boll on D St between Olive & Pottman
- Double row of trees to shade sidewalks
- Parking areas visible from the street may not exceed 30% of the lot frontage
- GDP for stores with a gross floor area of 50,000 square feet or greater

**Building Form – DR-D**

**D Street – DR-D**

**D Street – DR-D**

**Downtown General Commercial (D-GC)**
- Retail, service, and heavy commercial uses
- Meets local and regional demand
- Complements adjacent Downtown pedestrian-oriented environment

**Downtown Public and Semi-Public (D-PS)**
- Provides for larger-scale public facilities, integrated into the Downtown
- Incorporates pedestrian walkways and/or view corridors that connect to Downtown
- Incorporates attractive landscaping consistent with local character
Downtown High Density Residential (DRM-3)

- Attached homes, two-to-four-plexes, and apartment or condominium buildings
- Maximum density of 24 units per gross acre
- Convenient access to community services
- Outdoor living space on balconies and in common areas
- Buildings front the street
- Landscaped front yards
- Continuous rows of street trees

Downtown Medium Density Residential (DRM-2)

- Variety of housing types
- Small-lot single-family homes
- Detached semi-detached and line developments
- Duplexes
- Townhouses
- Garden apartments
- Maximum density of 12 units per gross acre
- Close proximity to community services and retail establishments
- Buildings front the street
- Landscaped front yards
- Continuous rows of street trees

Limits on Blank Walls

Upper floors are also subject to limits on blank walls

Maximum 20 ft. between openings

Walls must have openings at least every 20 ft. on Main Street, and every 30 ft. on other streets. Openings shall be transparent glazing and provide views into active spaces.

Ground Floor Articulation (commercial uses)

Residential Building Design: Façade Articulation

Street-facing facades shall have at least one projection or recess at least 4 feet in depth, or two projections or recesses at least 2.5 feet in depth, for every 25 linear feet of wall.

Building Projections
Shade

When buildings are built on property line, side walls must be shaded by a building, a tree, or by a street tree on the other side.

When building spacing is not 100', a double row of trees may be used for shading.

Commercial Building Design: Ground Floor Windows

Commercial Building Design: Limits on Blank Walls

Upper floors are also subject to limits on blank walls.

Maximum 30 ft. between openings.

Walls must have openings at least every 20 ft. on Main Street, and every 30 ft. on other streets. Openings shall have transparent glazing and provide views into active spaces.

Quality Building Materials

Inappropriate Building Materials and Colors

Awnings and Canopies
Zoning Regulations

- Zoning governs as the legally binding document
- Establish legal requirements that are complimented by Design Guidelines
- Zoning includes quantitative development standards
- Design Guidelines illustrate development standards and show how the more qualitative development standards can be met

Relationship to Design Guidelines

Zoning Regulations

- Land Use Regulations
- Development Standards
- Supplemental Regulations

Zoning Regulations

- Land Use Regulations
- Permitted Uses
- Conditionally Permitted Uses
- Uses that are not allowed
Zoning Regulations

- Development Standards
- Lot, Density, and Block Standards
- Building Form, Location, and Street Design
- Parking
- Open Space and Landscaping

Zoning Regulations

- Supplemental Regulations
- Block Standards
- Public Improvements
- Building Projections
- Building Design
- Mechanical Equipment and Utilities
- Building Security
- Awnings and Canopies
- Parking
- Open Space
- Pedestrian Walkways

Parking Location

Parking Frontage Limitations

- Parking setbacks are measured 20 percent of the frontage
- y = y * 39% of

Downtown Districts

- Current ordinance has maximum height of 50 feet. This is being proposed to remain the same with transitional heights and yards when adjacent to:
  - RS-1
  - RS-2
  - RM-1 Districts

Downtown Districts

- Introduction of “Build-to” Lines
  - 70% of building set back or property line in Downtown Retail zone.
  - 40% of building set back or property line in Downtown Mixed Use Zone.
Downtown Districts

- Proposed mixed-use standards include limiting residential uses at the rear and/or above commercial uses.
- Includes addressing building entry.
- Includes requiring 150 square feet of usable open space per unit
- Includes setback requirements for residential units.

Airport Overlay Zone

Purpose

- Protect adjacent land uses from potential airport hazards
- Identify compatible uses to accident hazard and noise exposure potential
- Prohibit incompatible uses from being established
- Require noise-attenuated construction around airport
- Comply with Federal Aviation Administration Requirements

Example of Airport Impact Map - Noise

Example of Compatibility Tracking

Airport Safety Zones Map
**Example of Development Standards**

<table>
<thead>
<tr>
<th>Table 1: Example of Development Standards</th>
<th>Additional Regulations</th>
</tr>
</thead>
</table>
| **Table 1: Example of Development Standards** | • Height limitations  
• FAA Notification  
• Aviation Easement Dedication  
• Overflight Notification  
• Nonconforming Uses |
| | |
| **Development** | **Minimum Lot Coverage (15 of 15)** | **Height limitations** |
| | 0 | 40 | 60 | 70 | 90 | 100 | |
| | **Non-Rural Development** | **Overflight Notification** |
| | 10 | 50 | 100 | 150 | 180 | NA | |
| | **Residential Each House (10 percent)** | **Nonconforming Uses** |
| | 10 | 100 | 200 | 400 | 800 | NA | |
| | **Residential Development** | **Height limitations** |
| | *NA* | *NA* | 4 | 4 | *NA* | *NA* | |
| | **Residential Single House Density (Current)** | **Additional Regulations** |
| | 1/4 | 1/6 | 12 | 12 | *NA* | *NA* |