CITY COUNCIL AGENDA  
PORTERVILLE, CALIFORNIA  
MAY 18, 2010, 6:00 P.M.

Call to Order 
Roll Call

**ORAL COMMUNICATIONS**  
This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

**CLOSED SESSION:**  
A. Closed Session Pursuant to: 
   8- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice Mayor Brian Ward 
Invocation

Page 1 of 4
PROCLAMATIONS
Water Awareness Month – May, 2010
Freedom Days
Monache High FFA Poultry Judging Team
Porterville High FFA Livestock Judging Team

PRESENTATIONS
Outstanding Business Award
Tulare County General Plan

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. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

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 March 2, 2010

2. Authorization to Advertise for Bids – 09/10 Fiscal Year Micro-Surfacing Project
Re: Accepting staff’s plans and project manual for the project consisting of a durable thin asphalt overlay on several streets within the City; and approval of an advancement of “Local” Measure ‘R’ Funds as approved by TCAG.

3. This item has been removed.

4. Request for Approval to Purchase Specialized Equipment Parts
Re: Considering approval of the purchase of a new grinder cartridge and two auger brush kits for the Screenings and Washer Monster from JWC Environmental for a not to exceed $18,000 price.

5. Resolution Suspending Implementation of Automatic Inflationary Adjustments to Development Impact Fees for the 2010-2011 Fiscal Year
Re: Considering approval of a resolution suspending implementation of automatic inflationary adjustments to development impact fees for the 2010-2011 Fiscal Year.

6. Annexation 473 (Cottage Estates) – Rescinding Previously Approved Resolutions and Reapproving Draft Resolutions Per City Council Direction
Re: Considering approval to rescind Resolution Nos. 41-2010, 42-2010 and 43-2010, and adoption of originally drafted resolutions approving Annexation 473.

7. Implementation of Porterville Development Code
Re: Considering approval of a resolution formalizing transitional implementation of the adopted Porterville Development Code.
8. **Award of Contract – “Real Estate Broker Services” for Property Disposition for Neighborhood Stabilization Program**  
Re: Considering approval to negotiate a service agreement with the firm Melson Realty—Larry Harper, Broker.

9. **Family Place Library Program**  
Re: An informational report regarding the preparation of a grant application under a federal program administered through the California State Library for FY 2010-2011.

Re: Considering acceptance of the 2009 Fire Prevention and Safety Grant in the amount of $167,775.

11. **Visalia’s Haz-Mat Response Team**  
Re: An informational report regarding the status of the City of Visalia’s Has-Mat Response Team and the formation of a Haz-Mat Program Sub-Committee.

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

**PUBLIC HEARINGS**

12. **Water Conservation**  
Re: Considering approval to move into Phase II of the Water Conservation Plan.

13. **Request for a Conditional Use Permit 10-2008 to Allow for an Eighteen (18) Unit Duplex Development on Three (3) Adjoining Parcels Located at 1492 and 1482 West Tomah Avenue**  
Re: Considering adoption of a resolution approving Conditional Use Permit 10-2008 to allow for the development of an 18-unit duplex development.

14. **City of Porterville 2009-2014 Housing Element and Negative Declaration**  
Re: Considering approval of a resolution adopting the 2009-2014 Housing Element and Negative Declaration.

**SCHEDULED MATTERS**

15. **Staff Initiated Modification to Design “D” Overlay Site Review 1-2010 (Medical Office Buildings – Dr. Vemuri)**  
Re: Considering approval of a resolution modifying Design “D” Overlay Site Review 1-2010.

16. **Consideration of Establishing City Benevolence (“Good Works”) Fund**  
Re: Considering development of qualifying criteria and process for a policy to administer the establishment of a City Benevolence Fund.

17. **Consideration of Establishing a Program for Voluntary Contributions to Non-Profit Organizations by City Employees and Residents**  
Re: Considering development of a program which would allow employees and residents to voluntarily contribute to non-profit organizations.
ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of June 1, 2010 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 Office of City Clerk at (559) 782-7464. 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 during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MARCH 2, 2010, 6:00 P.M.

Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez, Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

The Council adjourned at 6:01 p.m. to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY MINUTES

Roll Call: Agency Member Hamilton, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice Chair Ward, Chair McCracken

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

   Adjourned to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Four Cases.

7:00 P.M. RECONVENCED OPEN SESSION

REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no action had been taken during Closed Session.

Pledge of Allegiance Led by Council Member Hamilton.
Invocation – a moment of silence was observed.

PROCLAMATIONS
Sequoia National Forest Organized Crews

PRESENTATIONS
Employee of the Month – Gary Miller
Comprehensive Annual Financial Report
Tulare County Regional Transportation Plan Update

ORAL COMMUNICATIONS
- Greg Shelton, 888 N. Williford, spoke in favor of the concept of Item No. 22, and suggested that the item be moved up due to the amount of individuals in attendance to hear consideration of the item.
- Brock Neeley, Porterville resident, spoke in favor of Item No. 21.
- Shannon Bennett, VP of the Youth Football League, requested the opportunity to comment on Item No. 22 at the time of its consideration, and spoke in favor of moving the item up in the Agenda.
- Dick Eckhoff, 197 N. Main Street, thanked the Police Chief and Police Department for their work at the City of Hope event; indicated that he was available to answer any questions regarding Item No. 20; and pointed out an error on Page 8 of the Minutes of February 16, 2010.
- Ken Lansford, 60 N. Carmelita, began speaking about the vacation of Kessing, but upon notification of the public hearing decided to share his comments at that time.

Council Member Pedro Martinez requested that Item No. 22 be considered after the Consent Calendar.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward that the City Council consider Item No. 22 following consideration of the Consent Calendar. The motion carried unanimously.

Disposition: Approved

CONSENT CALENDAR
Item Nos. 7, 10, 13, 15 and 16 were removed for further discussion and/or abstention.

1. CITY COUNCIL MINUTES OF FEBRUARY 16, 2010

Recommendation: That the City Council approve the Minutes of February 16, 2010.

Documentation: M.O. 02-030210

Disposition: Approved

2. BUDGET ADJUSTMENT FOR THE 2009-2010 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the schedule.
3. CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2010-2011

Recommendation: That the City Council approve the proposed budget calendar for the 2010-2011 fiscal year.

Documentation: M.O. 04-030210
Disposition: Approved

4. AUTHORIZATION TO ADVERTISE FOR BIDS – SOLAR PANEL RADAR SPEED SIGNS

Recommendation: That the City Council:
   1. Direct the Finance Director to prepare a budget adjustment to the 2009/2010 Annual Budget at the time of contract award in the amount necessary to award the Solar Panel Radar Speed Sign project but not to exceed $22,000;
   2. Direct the Finance Director to reimburse the Street Sign Upgrade Account upon receipt of the SR2S grant funds;
   3. Approve staff’s recommended plans and project manual; and
   4. Authorize staff to advertise for bids.

Documentation: M.O. 05-030210
Disposition: Approved

5. AWARD OF CONTRACT - MORTON AVENUE AND MATHEW STREET WATER TRUNK LINE PROJECT

Recommendation: That the City Council:
   1. Award the Morton Avenue and Mathew Street Water Trunk Line Project to Halopoff and Sons, in the amount of $983,211.88;
   2. Authorize progress payments up to 90% of the contract amount; and
   3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 06-030210
Disposition: Approved

6. ACCEPTANCE OF PROJECT – OHV (OFF-HIGHWAY VEHICLE) PARK IMPROVEMENT

Recommendation: That the City Council:
   1. Accept the project as complete;
   2. Authorize the filing of the Notice of Completion; and
   3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
8. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – OLIVE AVENUE REHABILITATION PROJECT (MAIN STREET TO H STREET)

Recommendation: That the City Council:
   1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
   2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution No. 19-2010
Disposition: Approved

9. REQUEST FOR AUTHORIZATION FOR REPLACEMENT OF THE FIELD SERVICES SHOP AIR COMPRESSOR

Recommendation: That the City Council authorize the replacement of the compressor in Fiscal Year 2009/2010.

Documentation: M.O. 08-030210
Disposition: Approved

11. WATER WELL EFFICIENCY REHABILITATION

Recommendation: That the City Council:
   1. Authorize entering into an agreement with Southern California Edison for rebates for increasing water well operating efficiencies;
   2. Authorize the Public Works Director to sign the agreement; and
   3. Authorize the expenditure of approximately $200,000 for rehabilitation of the wells noted above.

Documentation: M.O. 09-030210
Disposition: Approved

12. COMMUNITY CLEAN-UP EVENTS

Recommendation: That the City Council:
   2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
   3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and
   4. Authorize the cost of both events be funded from the Solid Waste Operating budget.

Documentation: M.O. 10-030210
Disposition: Approved
14. SIERRA MANAGEMENT EXTENSION OF CONTRACT

Recommendation: No action required – information only.

Disposition: None

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1 through 6, 8, 9, 11, 12 and 14. The motion carried unanimously.

7. ACCEPTANCE OF PROJECT – ZALUD PARK MISTERS

Recommendation: That the City Council accept the project as complete.

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

Vice Mayor Ward indicated that he pulled the item to remain consistent in his opposition of the allocation of funds for the misters.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council accept the project as complete.

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

Disposition: Approved

10. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 – INTERSECTION SAFETY IMPROVEMENT – DESIGNATION OF “G” STREET AND OAK AVENUE AS A 2-WAY STOP INTERSECTION ALONG OAK AVENUE

Recommendation: That the City Council:

1. Pass a resolution amending Traffic Resolution No. 10-2001, designating “G” Street Oak Avenue as a 2-way stop intersection along Oak Avenue;
2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control device, namely a 2-way stop along Oak Avenue, at the intersection of “G” Street and Oak Avenue; and
3. Authorize the City Engineer to install traffic control devices, namely 2-way stop signs along Oak Avenue, at the intersection of “G” Street and Oak Avenue.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
Council Members Hamilton and Felipe Martinez indicated that they would be abstaining from consideration of the item due to being within 500 feet of the project.

**COUNCIL ACTION:**
Resolution 20-2010

MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward that the City Council pass a resolution amending Traffic Resolution No. 10-2001, designating “G” Street Oak Avenue as a 2-way stop intersection along Oak Avenue; authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control device, namely a 2-way stop along Oak Avenue, at the intersection of “G” Street and Oak Avenue; and authorize the City Engineer to install traffic control devices, namely 2-way stop signs along Oak Avenue, at the intersection of “G” Street and Oak Avenue.

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

Disposition: Approved

13. IMPLEMENTATION OF NEIGHBORHOOD STABILIZATION PROGRAM – SUB-RECIPIENT AGREEMENT WITH COMMUNITY SERVICES & EMPLOYMENT TRAINING, INC. FOR REHABILITATION SERVICES

Recommendation: That the City Council:

1. Adopt the draft resolution approving the sub-recipient agreement with CSET for the rehabilitation work on the acquired foreclosed properties; and
2. Authorize the Mayor to execute the sub-recipient agreement with CSET.

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

Vice Mayor Ward stated that he did not feel it was the role of government to get into the real estate business.

At the Mayor’s request, Community Development Director Dunlap explained the consequences of rejecting staff recommendation. He indicated that staff would continue on with the NSP Program, but would have to go through the bid selection process with individual contractors for the rehabilitation of each home.

**COUNCIL ACTION:**
M.O. 12-030210

MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council reject staff’s recommendation.

AYES: Hamilton, Ward
NOES: P. Martinez, F. Martinez, McCracken
ABSTAIN: None
ABSENT: None
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council adopt the draft resolution approving the sub-recipient agreement with CSET for the rehabilitation work on the acquired foreclosed properties; and authorize the Mayor to execute the sub-recipient agreement with CSET.

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

Disposition: Approved

15. APPROVE CONCESSION LICENSE WITH AYSO REGION 315

Recommendation: That the City Council approve the Concession License with AYSO Region 315, and authorize and direct the Mayor to execute same.

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

Council Member Pedro Martinez inquired if any other organizations had expressed an interest in operating the concession stand, and if staff had advertised the opportunity to do so. Leisure Services Superintendent Donnie Moore stated that the leagues that had played in the fall had been contacted, and AYSO had been the only group to express an interest in staffing the stand.

- A Porterville Youth Football representative came forward and stated that they were interested in staffing the concession stand.

A discussion ensued regarding ways to improve communication with local organizations.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council continue the item to the meeting of April 6, 2010 to allow organizations who reserve use of the Sports Complex the opportunity to express an interest in staffing the concession stand. The motion carried unanimously.

Disposition: Item continued, and direction given.

16. TEMPORARY CLOSURE OF MURRY PARK ROADWAY FOR POND CLEANING PROJECT

Recommendation: That the City Council authorize the Parks & Leisure Services Director to close to public vehicular travel the Murry Park roadway from Park to Putnam, as needed, between March 8, 2010, and April 30, 2010.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
Council Member Hamilton inquired about the amount of equipment being utilized and expressed concern with closing the roadway for an extended period of time.

Council Member Pedro Martinez suggested that the City approach CSET regarding the possibility of a bridge to the pond island.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council authorize the Parks & Leisure Services Director to close to public vehicular travel the Murry Park roadway from Park to Putnam, as needed, between March 8, 2010 and April 30, 2010. The motion carried unanimously.

Disposition: Approved

22. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF USE OF MULLER FIELD FOR SPORTS PLAYING FIELDS AND OPPORTUNITIES FOR PARTNERSHIP

Recommendation: That the City Council consider the use of Muller Field for the development sports playing fields and opportunities for partnership.

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

Council Member Pedro Martinez spoke about the possibility of partnerships and resources available through those partnerships.

- Shannon Bennett, Vice President of Porterville Youth Football, spoke in favor of utilizing Muller Field for sports playing fields, and provided a plan for implementation.

Public Works Director Baldo Rodriguez stressed the importance of recognizing that the purpose of the field was to serve as a retention basin, and that although the field was dry a majority of the time, it could change as development occurs.

A discussion ensued regarding methods of addressing water shed that may occur, and which Council Member would be available to chair the meetings.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward that the City Council appoint Vice Mayor Ward to chair meetings between City staff, Porterville Youth Football League and others interested in partnerships regarding the use of Muller Field for sports playing fields. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

PUBLIC HEARINGS

17. VACATION OF A PORTION OF H STREET AND KESSING STREET BETWEEN OAK AVENUE AND THE PORTER SLOUGH (SIERRA VIEW LOCAL HEALTH CARE DISTRICT)
Recommendation: That the City Council:
1. Adopt the Resolution of Vacation, including reservations, for a portion of H Street and Kessing Street between Oak Avenue and the Porter Slough; and
2. Authorize the City Clerk to record the Resolution of Vacation.

City Attorney Lew reported that Council Members Hamilton and Felipe Martinez had homes and/or businesses within 500 feet of the area. The Council Members recused themselves and exited Council Chambers.

City Manager Lollis introduced the item, and City Engineer Mike Reed presented the staff report.

Vice Mayor Ward inquired about the street vacation process.

The public hearing was opened at 9:04 p.m.

- Greg Shelton, 888 N. Williford Drive, expressed concerns regarding traffic flow.

- Brock Neeley, spoke in favor of a multi-tiered parking structure; and expressed concern with the loss of land for parking.

- Ken Lansford, 600 N. Carmelita, read a statement opposed to the vacation of Kessing; expressed concern regarding traffic circulation, pedestrian travel routes; and requested that the Council delay in acting on the item.

- Bruce Peterson, Sierra View District Hospital, addressed perceptions that the vacation is for the sole purpose of expanding a parking lot, spoke about an increased need for parking and locations of future buildings.

- Greg Shelton, address on record, asked if Sierra View had purchased the old school lands, and was informed they had not.

- Bruce Peterson, indicated that the hospital would prefer to spend money on equipment than on a parking structure.

The hearing was closed to the public at 9:14 p.m.

Vice Mayor Ward asked if the vacations of H and Kessing Street could be acted upon independently, and indicated that he would like additional time to further research the concerns raised.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Mayor McCracken that the City Council continue the public hearing to the meeting of March 16, 2010.
AYES: Ward, McCracken
NOES: P. Martinez
ABSTAIN: Hamilton, F. Martinez
ABSENT: None
Disposition: Public Hearing continued.

18. SEAFOOD CAFÉ/EL REVENTON CONSIDERATION OF MODIFICATION OR REVOCATION OF CUP 5-2007

Recommendation: That the City Council receive this report as presented and direct staff on how to proceed.

City Attorney Lew noted that Council Members Hamilton and Felipe Martinez would be abstaining from the item for the previously stated conflict.

City Manager Lollis introduced the item, and Associate Planner Jose Ortiz presented the staff report.

Council Member Pedro Martinez inquired about the hours of operation for The Brickhouse and Mecca establishments.

The Mayor opened the public hearing at 9:31 p.m.

- Luis Farias, Bakersfield resident and owner of Seafood Café/El Reventon, spoke in favor of his establishment and of the live entertainment it has brought to Porterville.

Council Member Pedro Martinez lauded the establishment for its security efforts and efforts to remedy concerns raised by nearby residents.

Vice Mayor Ward requested clarification regarding the commonality of contamination in similar establishments. Chief McMillan responded that he remembered only one other instance of bottle contamination in the past fifteen years. Council Member Pedro Martinez spoke of his work experience in pest control and food establishments, and stated that it was a common occurrence.

City Attorney Lew advised that a draft resolution be brought back at the next Council meeting for approval.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward that the City Council approve the drafting of a resolution modifying the conditional use permit to allow the hours of operation to be extended to 2:00 a.m. on Sundays; and direct staff to bring said draft resolution back for Council approval on March 16, 2010.

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

Disposition: Approved

SECOND READINGS

19. ORDINANCE 1761, PERTAINING TO FIREWORKS

Recommendation: That the City Council give Second Reading to Ordinance No. 1761, waive further reading, and adopt said Ordinance.
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 Vice Mayor Ward that the City Council give Second Reading to Ordinance No. 1761, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

20. TRANSACTION AND USE TAX OVERSIGHT COMMITTEE/SCHEDULING OF PUBLIC HEARING PURSUANT TO RESOLUTION 24-2006 – FOLLOW UP IN LIGHT OF FEBRUARY 22ND AUDIT COMMITTEE MEETING

Recommendation: That the City Council:

1. Accept the status report and provide any further direction it deems appropriate; and
2. Set a public hearing for the next regularly scheduled City Council Meeting (March 16, 2010), in accordance with the spirit and intent of Resolution 24-2006, to consider sustaining or rejecting the finding of TUTOC that the 2008-2009 Measure “H” expenditures were “inconsistent” with the adopted 2008-2009 Measure “H” Expenditure Plan.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report. The City Attorney did note that there was an addendum to the staff report, wherein it was stated that the Chair of the TUTOC had communicated the committee’s desire to postpone the scheduling of the public hearing to allow completion of their report.

A discussion ensued regarding the committee’s request to postpone the scheduling of the public hearing, and consideration of protocols proposed by the Audit Committee.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council authorize the scheduling of a public hearing for March 16, 2010, to consider TUTOC’s finding of “inconsistent”; and consider the recommendations of the Audit Committee as a separate item. The motion carried unanimously.

Disposition: Approved

21. CONSIDERATION OF POLICY APPROACH FOR CITY BENEVOLENCE (“GOOD WORKS”) FUND
Recommendation: That the City Council consider the policy approach in the administration of the City Benevolence Fund, and give direction to staff to develop appropriate guidelines.

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

Council Member Pedro Martinez asked if it would be possible for staff to donate to non-profit organizations via payroll deductions.

Council Member Hamilton spoke of the benefits of establishing criteria and policies for the implementation of a benevolence fund, and a discussion ensued with regard to methods of administering the funds.

Vice Mayor Ward stated that he would like to see the Council act as a body to dispense funds, versus each member having an allotted amount of money which they could dispense independently; and expressed concerns with public perception.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council direct staff to bring back an item regarding proposed policy, criteria and logistics for a City Council benevolence fund, and a second item regarding voluntary contributions by employees and citizens to organizations to the meeting of March 16, 2010.

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

Disposition: Direction given.

ORAL COMMUNICATIONS
- Greg Shelton, address on record, addressed comments made by Mayor McCracken regarding TUTOC's findings, and spoke in opposition of a benevolence fund.
- Dick Eckhoff, address on record, stated that the County's approach to benevolence was appropriate due to the districts, and spoke in favor of establishing a policies and criteria.

OTHER MATTERS
- Council Member Felipe Martinez provided an AB1234 report on a trip to Washington D.C.
- Council Member Pedro Martinez:
  1. Inquired about upcoming activities of the Youth Commission;
  2. Requested that an item seeking official establishment of a Youth Commission be brought to Council within 60 days;
  3. Asked that the City look into providing t-shirts for the Youth Voice Council;
  4. Requested occasional Council attendance at the Youth Commission meetings; and
  5. Inquired about the status of the pool slide.
- Vice Mayor Ward:
  1. Suggested that Kids Fest be tied to the Pond renovation and new pool slide;
  2. Shared that he had read to students at Summit Charter Mathew Campus in celebration of Dr. Seuss Day;
  3. Reported on a recent meeting regarding an Arts Commission;
4. Announced that Little League had started; and
5. Suggested that the City’s website should advertise non-City organizations and events.
   - City Manager Lollis announced the passing of former Deputy City Manager Gary Irish’s wife, and updated the Council on Proposition 84 applications.
   - Mayor McCracken requested that the City send a condolence letter to the Nisei Farmers League regarding the amendment not making it into Senator Feinstein’s bill.

CLOSED SESSION
The Council recessed for ten minutes at 10:33 p.m. and then reconvened in Closed Session. The Council reconvened in open session at 11:02 p.m.

ADJOURNMENT
The Council adjourned at 11:03 p.m. to the meeting of March 16, 2010 at 6:00 p.m.

______________________________
Luisa Herrera, Deputy City Clerk

______________________________
Pete V. McCracken, Mayor
COUNCIL AGENDA: MAY 18, 2010

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – 09/10 FISCAL YEAR MICRO-SURFACING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the 09/10 Fiscal Year Micro-Surfacing Project. The project is part of the City's Measure "R" street maintenance program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. New pavement markings will be placed once each street receives the thin asphalt overlay. Streets and project limits are as follows:

- Main Street – Morton Avenue to Henderson Avenue
- Jaye Street – Date Avenue to Olive Avenue
- Prospect Street – Henderson Avenue to Westfield Avenue
- Henderson Avenue – Indiana Street to Prospect Street.
- Orange Avenue – D Street to Jaye Street

Staff is actively pursuing the completion of our Pavement Management System, which will allow for a more systematic approach to maintaining our arterial and collector streets. Each arterial and collector street within the City's jurisdiction will be given a "Pavement Condition Index" (PCI) between 0 and 100, 0 being the worst and 100 being the best. The pavement industry has established the following general pavement treatment guide as it relates to the PCI:

<table>
<thead>
<tr>
<th>Pavement Treatment for Urban Major Roads</th>
<th>PCI Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do Nothing</td>
<td>90-100</td>
</tr>
<tr>
<td>Preventive Maintenance (e.g. slurry, chip seal, cape seal)</td>
<td>70-89</td>
</tr>
<tr>
<td>Thin Overlays (e.g. less than or equal to 2 inches)</td>
<td>50-69</td>
</tr>
<tr>
<td>Thick Overlays (e.g. more than 2 inches)</td>
<td>25-49</td>
</tr>
<tr>
<td>Reconstruction (e.g. remove and replace)</td>
<td>0-24</td>
</tr>
</tbody>
</table>

This year's street maintenance program has been evaluated by staff and the PCI for each street is as follows:

<table>
<thead>
<tr>
<th>Street</th>
<th>Limits</th>
<th>PCI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Street</td>
<td>Morton Ave. to Henderson Ave.</td>
<td>40</td>
</tr>
<tr>
<td>Jaye Street</td>
<td>Date Ave. to Olive Ave.</td>
<td>71</td>
</tr>
<tr>
<td>Prospect Street</td>
<td>Henderson Ave. to Westfield Ave.</td>
<td>77</td>
</tr>
<tr>
<td>Henderson Avenue</td>
<td>Indiana St. to Prospect St.</td>
<td>49</td>
</tr>
<tr>
<td>Orange Avenue</td>
<td>D St. to Jaye St.</td>
<td>43</td>
</tr>
</tbody>
</table>

Dir  
Appropriated/Funded  
Item No. 2
The Engineering Division is targeting arterial and collector streets that have a PCI near or above 70 for micro-surfacing projects. Unfortunately, this is difficult to do with so many of our arterial and collectors having numerous badly distressed pavement areas. To pursue the cost effectiveness of micro-surfacing, the Engineering Division has identified the badly distressed areas for removal and replacement. This remedial action pulls the PCI up to or above the target of 70.

Henderson Avenue is a classic example of elevating the PCI from a low number (49) to an acceptable PCI (70) by simply removing and replacing severely distressed areas prior to the placement of the micro-surface. Jaye Street and Prospect Street are more ideal candidates for micro-surfacing projects. Even then, staff plans to remove and replace isolated distressed areas that, in quantity, are much smaller than Henderson Avenue.

Because of the condition of Main Street and Orange Avenue, these two streets will receive a three layer surface treatment. A micro-surfacing layer will be placed on the existing asphalt first, then a chip seal layer will be placed and finally another micro-surfacing layer. The three layer maintenance system will provide a flexible chip seal layer between two (2) micro-surfacing layers so as to impede reflective cracking. Reflective cracking is where cracks in the existing asphalt concrete migrate through the newly placed overlay. The three layer concept is a good treatment process when the road base appears to be stable and existing asphalt layer is the only layer contributing to the low PCI.

Staff, with the guidance of the pavement industry, has established a PCI between 30 and 69 for the three layer pavement treatment concept. The base material must be sound before considering this concept and staff feels both Main Street and Orange Street meet this criteria. As shown in the table above, staff should be considering asphalt concrete overlays or full reconstruction for the stated PCI range. Overlays have proven to be expensive and have little effect on reflective cracking. Therefore, the three layer concept has become an industry standard in stretching limited funds as far as possible and has also proven to be more successful in impeding reflective cracking. Several Cities in the northern part of the state utilize the three layer system. The City of Watsonville has had several successful projects and have shared their results with staff.

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

The Engineer's Estimate for the noted street projects is $833,379. An additional $83,338 is necessary for construction contingency (10%) and $41,668 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $958,386.
"Local" Measure ‘R’ tax revenue is the funding source for the project, as approved in the 2009/2010 budget. An additional $664,868 will be needed to fund the remainder of the project. The 10/11 “Local” Measure ‘R’ tax revenue advancement recently approved by Tulare County Association of Governments (TCAG) will be the funding source.

RECOMMENDATION: That City Council:

1. Approve Staffs recommended Plans and Project Manual for the 09/10 Micro-Surfacing Project;

2. Approve the advancement of 2010/2011 “Local” Measure ‘R’ Funds as approved by TCAG; and

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

ATTACHMENTS: Locator Maps (Main, Jaye, Prospect, Henderson, Orange) Engineer’s Estimate
CITY OF PORTERVILLE MICRO-SURFACING PROJECT
## City of Porterville - Engineering Division

**PROJECT: Micro - Surfacing Project - Local Funds**

**Date:** 2/25/10

### PART A - MAIN STREET (HENDERSON AVENUE TO MORTON AVENUE)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3</td>
<td>22,235</td>
<td>S.Y.</td>
<td>3-Layer Micro-Surfacing, including site preparations per the guidelines set forth in the project specifications</td>
<td>$6.50</td>
<td>$144,527.50</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>Striping &amp; Pavement Markings</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
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</table>

**SUBTOTAL** | **$161,527.50**

### PART B - HENDERSON AVENUE (PROSPECT STREET TO INDIANA STREET)

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
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<tr>
<td>3</td>
<td>24,405</td>
<td>S.Y.</td>
<td>Micro-Surfacing, including site preparations per the guidelines set forth in the project specifications</td>
<td>$2.10</td>
<td>$51,250.50</td>
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<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per the guidelines set forth in the project specifications</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>5</td>
<td>17,010</td>
<td>S.F.</td>
<td>Grind Full Structural Section Depth and Replace with Asphalt Concrete per the guidelines set forth in the project specifications</td>
<td>$9.80</td>
<td>$166,698.00</td>
</tr>
<tr>
<td>6</td>
<td>8,735</td>
<td>S.F.</td>
<td>Grind Full Pavement Depth &amp; Replace with Asphalt Concrete per the guidelines set forth in the project specifications</td>
<td>$8.10</td>
<td>$70,753.50</td>
</tr>
<tr>
<td>7</td>
<td>1,205</td>
<td>S.F.</td>
<td>Fine Grind Pavement per the guidelines set forth in the project specifications</td>
<td>$2.50</td>
<td>$3,012.50</td>
</tr>
<tr>
<td>8</td>
<td>10</td>
<td>EA</td>
<td>Remove and Replace Traffic Loop Detector</td>
<td>$700.00</td>
<td>$7,000.00</td>
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<tr>
<td>9</td>
<td>1</td>
<td>LS</td>
<td>Striping &amp; Pavement Markings</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
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</table>

**SUBTOTAL** | **$325,714.50**

### PART C - PROSPECT STREET (HENDERSON AVENUE TO WESTFIELD AVENUE)

<table>
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<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
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<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
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<td>Traffic Control</td>
<td>$4,000.00</td>
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<tr>
<td>3</td>
<td>16,060</td>
<td>S.Y.</td>
<td>Micro-Surfacing, including site preparations, all in accordance with the guidelines set forth in the project specifications</td>
<td>$2.10</td>
<td>$33,726.00</td>
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<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per the guidelines set forth in the project specifications</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>5</td>
<td>5,335</td>
<td>S.F.</td>
<td>Grind Full Pavement Depth &amp; Replace with Asphalt Concrete per the guidelines set forth in the project specifications</td>
<td>$8.10</td>
<td>$43,213.50</td>
</tr>
<tr>
<td>6</td>
<td>640</td>
<td>S.F.</td>
<td>Fine Grind Pavement per the guidelines set forth in the project specifications</td>
<td>$2.50</td>
<td>$1,600.00</td>
</tr>
<tr>
<td>7</td>
<td>5</td>
<td>EA</td>
<td>Remove and Replace Traffic Loop Detector</td>
<td>$700.00</td>
<td>$3,500.00</td>
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<tr>
<td>8</td>
<td>1</td>
<td>LS</td>
<td>Striping &amp; Pavement Markings</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL** | **$105,039.50**
**PART D - JAYE STREET (DATE AVENUE TO OLIVE AVENUE)**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
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<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3</td>
<td>14,080</td>
<td>S.Y.</td>
<td>Micro-Surfacing, including site preparations, all in accordance with the guidelines set forth in the project specifications.</td>
<td>$2.10</td>
<td>$29,568.00</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>Crack Filling per the guidelines set forth in these specifications</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5</td>
<td>14,345</td>
<td>S.F.</td>
<td>Grind Full Pavement Depth &amp; Replace with Asphalt Concrete per the guidelines set forth in the project specifications.</td>
<td>$8.10</td>
<td>$116,194.50</td>
</tr>
<tr>
<td>6</td>
<td>5</td>
<td>B.A.</td>
<td>Remove and Replace Traffic Loop Detector</td>
<td>$700.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>L.S.</td>
<td>Striping &amp; Pavement Markings</td>
<td>$9,000.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$172,262.50</strong></td>
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</tr>
</tbody>
</table>

**PART "E" - ORANGE AVENUE - MAIN STREET TO PLANÖ STREET**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>EST. QTY.</th>
<th>UNIT</th>
<th>ITEM</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and Demobilization</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>L.S.</td>
<td>Traffic Control</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3</td>
<td>8,590</td>
<td>S.Y.</td>
<td>3-Layer Micro-Surfacing, including site preparations, all in accordance with the guidelines set forth in the project specifications.</td>
<td>$6.30</td>
<td>$55,835.00</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>L.S.</td>
<td>Striping &amp; Pavement Markings</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>SUBTOTAL</strong></td>
<td><strong>$68,835.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL ESTIMATE OF PROBABLE COSTS**

$833,379.00

---

**Estimate Certification**

**Project Manager**

*Signature*

*5-11-2010*

**DPWD/City Engineer**

*Signature*

*5-11-2010*

**Public Works Director**

*Signature*

*5/12/10*

**City Manager**

*Signature*

*05/12/10*
THIS ITEM HAS BEEN REMOVED.

Item No. 03
SUBJECT: REQUEST FOR APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT PARTS

SOURCE: Public Works Department – Wastewater Treatment Facility

COMMENT: The City of Porterville Wastewater Treatment Facility is upgrading the headworks process system with the installation of two (2) barscreens and one (1) auger conveyor. The barscreens remove material that cannot be treated from the wastewater stream and convey it to the existing Screenings and Washer Monster (SWM). The SWM reduces the material by grinding, washing and compacting.

The grinder cartridge on the SWM uses heat treated alloy steel cutters and spacers to grind the material captured by the barscreen. Over time these cutters, spacers, and brushes wear out and must be replaced. Normally the grinder cartridge is removed from the SWM and sent to the manufacturer for service. This takes the SWM out of service for several weeks.

To avoid housekeeping and odor issues caused by taking the SWM out of service, staff recommends the purchase of a spare 30001-0018-DI grinder cartridge with drive side scraper side rails and two auger brush kits. JWC Environmental is the sole source manufacturer of this equipment. The cost will be approximately $18,000, and funds are available in the bar screen capital project fund 89-9623.

RECOMMENDATION: That the City Council approve the purchase of a new 30001-0018-DI grinder cartridge with the drive side scraper side rails, and two auger brush kits for the SWM from JWC Environmental for a not to exceed $18,000 price.
TITLE: RESOLUTION SUSPENDING IMPLEMENTATION OF AUTOMATIC INFLATIONARY ADJUSTMENTS TO DEVELOPMENT IMPACT FEES FOR THE 2010-2011 FISCAL YEAR

SOURCE: PUBLIC WORKS and CITY ATTORNEY

COMMENT: As Directed at the April 6, 2010 City Council Meeting, attached is the Resolution suspending implementation of automatic inflationary adjustments to development impact fees for the 2010-2011 fiscal year. The fees at issue have been adopted by Resolutions (six total), with language generally as follows:

For new development, the fees shall be as established in the adopted fee schedule, and incorporated herein by this reference as if set forth in full herein, which schedule shall be further adjusted annually by the appropriate City staff in accordance with the ENGINEERING NEWS RECORD CONSTRUCTION COSTS INDEX publications.

This Resolution suspends implementation of the inflationary adjustments for the coming fiscal year only and does not repeal the attached Resolutions establishing the fees and the annual adjustments. As discussed in April, a review and public hearing will be held annually in December or January (pursuant to the Fee Mitigation Act, not less than 15 days after the information is made available to the public, which must occur within 180 days after the end of the fiscal year), concerning the fees and capital projects associated with the fees.

RECOMMENDATION: That the Council adopt the proposed draft resolution.

Attachments:
1) Draft resolution.
2) Resolution No. 2-99
3) Resolution No. 94-90
4) Resolution No. 142-02
5) Resolution No. 67-03
6) Resolution No. 95-90
7) Resolution No. 50-98
8) Schedule (Exhibit “A”) – Park Impact Fees (for reference only - illustrating the 2010 amount as originally proposed with inflationary adjustment)
9) Schedule (Exhibit “H”) – Connection/Misc. Fees (for reference only – illustrating the 2010 amount as originally proposed with inflationary adjustment)
RESOLUTION NO. _____ - 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SUSPENDING IMPLEMENTATION OF AUTOMATIC INFLATIONARY ADJUSTMENTS TO FEES SPECIFIED IN RESOLUTION NO. 2-99, RESOLUTION NO. 94-90, RESOLUTION NO. 142-02, RESOLUTION NO. 67-03, RESOLUTION NO. 95-90, AND RESOLUTION NO. 50-98

WHEREAS, pursuant to Ordinance Nos. 1438, 1439, 1440, 1558 and 1567, and Resolutions No. 2-99, 94-90, 142-02, 67-03, 95-90, and 50-98, the City Council of the City of Porterville has authorized and adopted certain fees related to the development of property within the City;

WHEREAS, pursuant to said ordinances and resolutions, the City Council of the City of Porterville set forth that said fees shall be adjusted, as of July 1 annually, by the City staff in accordance with the Engineering News Record Construction Costs Index publications; and

WHEREAS, the City Council has determined that it wishes to suspend implementation of the automatic inflationary adjustments for the 2010-2011 fiscal year;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

A. The City Council hereby suspends, for the 2010-2011 fiscal year only, implementation of the automatic inflationary adjustments as specified in Resolution No. 2-99, Resolution No. 94-90, Resolution No. 142-02, Resolution No. 67-03, Resolution No. 95-90, and Resolution No. 50-98.

B. The annual adjustments shall resume for the following fiscal year (2011-2012) unless further action is taken by the City Council.

1

ATTACHMENT NO. 1
PASSED, ADOPTED AND APPROVED this ____ day of __________, 2010.

__________________________________________

Pete McCracken, Mayor

ATTEST:

John Lollis, City Manager

__________________________________________

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 2-99

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE SETTING A
PARK IMPACT FEE FOR ALL NEW RESIDENTIAL
DEVELOPMENTS WITHIN THE CITY OF PORTERVILLE

WHEREAS, the City Council of the City of Porterville has adopted Ordinance No. 5567 creating and establishing the authority for imposing and charging a park impact fee; and

WHEREAS, the Parks and Recreation Element of the City's General Plan identified the impacts of contemplated new development, excluding expansion of existing development, within the General Plan boundaries on existing or planned park facilities, along with which an analysis of the need for a new and expanded park facilities and improvements required by new development was conducted and said study set forth the relationship between new development, the needed facilities, and the estimated costs of those improvements; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to assist in financing new park facilities and accommodate increased demand brought about by new development within the City boundaries, excluding expansion of existing development;

B. The fees collected pursuant to this resolution shall be used to finance only park facilities described in the City's Park and Recreation Element;

C. There is a need identified by the City Parks and Recreation Element for facilities which have not been constructed or are in need of expansion due to new development. These facilities are directly related to new development and, therefore, new development shall contribute its fair share towards the cost of these facilities. Said facilities have been called for in, or are consistent with, the City's Parks and Recreation Element of the General Plan.
D. The facts and evidence presented establish that there is a reasonable relationship between the need for the described park and recreation facilities and the impacts of the types of development described in Paragraph 4, below, for which the corresponding fee is charged, and also, there is a reasonable relationship between the use of the fee and the type of development for which the fee is charged, as these reasonable relationships are in more detail described in the study referred to above;

E. The costs estimates set forth in the Porterville Parks and Recreation Element are reasonable cost estimates for construction of these facilities, and the fees in attached Exhibit “A”, expected to be generated by new development, will not exceed the total of these costs.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Porterville that:

1. The minimum Level of Service for the purpose of establishing and implementing a Parks and Recreation impact fee shall be set as the fees in attached Exhibit “A”.

2. “New Development” shall be defined as new construction of residential improvements (both single, multi-family and mobile home).

3. A Parks impact fee shall be paid prior to the issuance of a building permit by all new development in the boundaries of the City. The Director of Parks and Leisure Services shall determine the type of development and the corresponding fee to be charged in accordance with this resolution.

4. For new development, the fees shall be as established in the adopted fee schedule, by resolution of the City Council, attached hereto as Exhibit “A”, and incorporated herein by this reference as if set forth in full herein, which schedule shall be further adjusted annually by the Director of Community Development and Services Department in accordance with the “ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX” publication.

5. The use of the impact fee for park facilities shall be in conformance with those projects specifically identified in the most recently adopted Porterville Parks and Recreation Element. The fee shall be solely used to pay: acquisition of land and development of public park facilities.

6. Fee Review. Commencing in fiscal year 2003, and at least once every five years thereafter, the Director of Parks & Leisure Services shall review the estimated cost of the described capital improvements, the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The Director of Parks and Leisure Services shall report his findings to the City Council.
at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed.

PASSED AND ADOPTED this 5th day of January, 1999.

Judith A. Gibbons, Mayor

ATTEST:

C. G. Hufnagel, City Clerk
EXHIBIT "A"

EFFECTIVE DATE
03-01-99

1. Single Family (R-1) per unit $441
2. Multiple Family (per unit) $342
3. Mobile Homes $247

To be increased annually by the Engineering News Record Construction Cost Index.
STATE OF CALIFORNIA
( ss
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 5th day of January, 1999.

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

<table>
<thead>
<tr>
<th>Councilmen:</th>
<th>IRISH</th>
<th>GURROLA</th>
<th>LEAVITT</th>
<th>CHOATE</th>
<th>GIBBONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
RESOLUTION NO. 94-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING A WASTEWATER FACILITIES IMPROVEMENT FEE FOR
ALL DEVELOPMENTS WITHIN THE CITY OF PORTERVILLE

WHEREAS, the City Council of the City of Porterville has adopted Ordinance No. 1439 creating and establishing the authority for imposing and charging a wastewater facilities improvement fee; and

WHEREAS, the Wastewater Master Plan 1989, identified the impacts of contemplated development, within the General Plan boundaries, on existing public facilities in the planning area, along with which an analysis of the need for new public facilities and improvements required by new development was conducted and said study set forth the relationship between new development, the needed facilities, and the estimated costs of those improvements; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to finance wastewater facilities to keep demand on the existing system from increasing and accommodate increased demand brought about by new development within the planning area;

B. The fees collected pursuant to this resolution shall be used to finance only the wastewater facilities described in the Sewer Master Plan;

C. After considering the study and analysis entitled "Sewer Master Plan", and the testimony received at this public hearing, the Council approves said study and incorporates such herein, and further finds that the new development in the planning area will generate additional demand for wastewater facilities within the impacted area;

D. There is a need in this described impact area for wastewater facilities which have not been constructed or have been constructed, but new development has not contributed its fair share towards these facility costs and said facilities have been called for in or are consistent with the City's Circulation Element of its General Plan;

E. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described in Paragraph 3, below, for which the corresponding fee is charged, and, also, there is a reasonable
relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexus are in more detail described in the study referred to above;

F. The cost estimates set forth in the Sewer Master Plan are reasonable cost estimates for constructing these facilities, and the fees in attached Exhibit "A", expected to be generated by new development, will not exceed the total of these costs.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Porterville that:

1. Definitions.

   (a) "New Development" shall mean construction of residential improvements, original construction of commercial, industrial or other non-residential improvements, or the addition of floor space to existing improvements.

   (b) "Exempted Development" shall mean that the City Council may exempt all or specific types or sizes of residential additions for low-income housing or senior housing projects upon the developer entering into an agreement with the City which will adequately guarantee the development of said housing to the satisfaction of the City Council.

2. A wastewater facilities improvement fee shall be paid prior to the issuance of a building permit by all non-exempted new development in the planning area. The City Engineer shall determine if the development lies within the planning area, the type of development and the corresponding fee to be charged in accordance with this resolution.

3. For new development, the fees shall be as established in the adopted fee scheduled, attached hereto as Exhibit "A", and incorporated herein by this reference as if set forth in full herein, which schedule shall be further adjusted annually by the Director of Community Development and Services Department in accordance with the "ENGINEERING NEWS RECORD CONSTRUCTION COSTS INDEX" publication.

4. Use of Fee. The fee shall be solely used to pay: (1) for described public facilities to be constructed by the City; (2) for reimbursing the City for the development's fair share of those capital improvements already constructed by the City; or, (3) to reimburse other developers who have constructed public facilities, where those facilities were beyond that needed to mitigate the impacts of the developer's project or projects.

5. Fee Review. Commencing in fiscal year 1995, and at least once every five years thereafter, the City Engineer shall review the estimated cost of the described capital improvements, the continued need for those
improvements and the reasonable relationship between such need and the
impacts of the various types of development pending or anticipated and
for which this fee is charged. The City Engineer shall report his
findings to the City Council at a noticed public hearing and recommend
any adjustment to this fee or other action as may be needed.

PASSED AND ADOPTED this 7th day of August, 1990.

Theodore G. Ensslin, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
COUNTY OF TULARE    

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville,
do hereby certify and declare that the foregoing is a full, true and correct copy
of a resolution duly and regularly passed and adopted at a regular meeting of the
Porterville City Council called and held on the 7th day of August, 1990.

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

AYES:  COUNCILMEN:  Lok, Gifford, Ensslin
NOES:  COUNCILMEN:  None
ABSENT: COUNCILMEN:  Pruitt, Leavitt

C. G. HUFFAKER, City Clerk

Georgia Hawley, Deputy City Clerk
EXHIBIT "A"

WASTEWATER FACILITIES IMPROVEMENT FEE
PER ACRE COST

<table>
<thead>
<tr>
<th>EFFECTIVE DATE</th>
<th>07-01-90</th>
<th>10-01-90</th>
<th>07-01-91*</th>
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</thead>
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<tr>
<td>1. Single Family (R-1)</td>
<td>$ 851</td>
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<tr>
<td>2. Duplex (R-2)</td>
<td>3846</td>
<td>2260</td>
<td>2260</td>
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<tr>
<td>3. Multiple Family (R-3 &amp; R-4)</td>
<td>3846</td>
<td>5272</td>
<td>5272</td>
</tr>
<tr>
<td>4. Institutional**</td>
<td>-</td>
<td>365</td>
<td>365</td>
</tr>
<tr>
<td>5. Commercial and Professional Office</td>
<td>1557</td>
<td>1373</td>
<td>1373</td>
</tr>
<tr>
<td>6. Industrial</td>
<td>733</td>
<td>5865</td>
<td>5865</td>
</tr>
</tbody>
</table>

* Adjusted by ENR Construction Cost Index

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

Sewer - $78.46 per 100 GPD of actual daily flow (adjusted annually by the ENR Construction Cost Index).
RESOLUTION NO. 142-2002
(For Option No. 1)
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE
AMENDING THE CITY’S FEE SCHEDULE
AND ADOPTING HILLSIDE DEVELOPMENT FEES

WHEREAS, the City of Porterville has studied and considered the establishment of development fees for "Hillside Development";

WHEREAS, the City of Porterville’s Water, Sewer and Storm Drain Master Plans have identified the necessity for the following fees with regard to the "Hillside Development" area, and the analysis underlying said Plan set forth the relationship between new development, the needed facilities, and the estimated cost of providing the services for which the fees are imposed; and

WHEREAS, the City Council finds as follows:

A. The purpose of these fees is to assist in financing water and sewer facilities and accommodate increased demand brought about by new development within the City boundaries;

B. The fees collected pursuant to this resolution shall be used to finance only water facilities and sewer trunk lines described in the City’s Water and Sewer Master Plans;

C. There is a need, identified by the City’s Water and Sewer Master Plans, for facilities which have not been constructed or are in need of expansion due to new development. These facilities are directly related to new development and, therefore, new development shall contribute its fair share towards the cost of these facilities. Said facilities have been called for in, or are consistent with, the City’s Water and Sewer Master Plans.

D. The facts and evidence presented establish that there is a reasonable relationship between the need for the facilities and the impacts of the types of development described in Paragraph 4, below, for which the corresponding fee is charged, and also, there is a reasonable relationship between the use of the fee and type of development for which the fee is charged, as these reasonable relationships are in more detail described in the Water and Sewer Master Plans;
E. The cost estimates set forth in the Water and Sewer Master Plans are reasonable cost estimates for construction of these facilities and the fees set forth below will not exceed the total of these costs.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Porterville adopts the following fees, effective November 4, 2002 for development with a density not to exceed one dwelling unit per acre in the area designated “Hillside Residential”, which is generally classified as those sites with an average slope of seven percent (7%) or greater, on the attached Figure 2.2:

   "HILLSIDE DEVELOPMENT" FEES

   Water Trunk Fee $1,070 per acre
   Trunk Line Sewer Fee $ 749 per acre
   Storm Drain Fee $3,674 per acre (no change)

2. "New Development" shall be defined, for purposes of this resolution, as new construction of single family residential improvements (including mobile homes in approved mobile home parks).

3. Said fees shall be paid as a condition of development.

4. The fees set forth above shall be further adjusted annually by the appropriate City staff in accordance with the “ENGINEERING NEWS RECORD 20-CITY CONSTRUCTION COST INDEX” publication.

5. Said fees have been reviewed, to the extent applicable, in accordance with the Fee Mitigation Act (Government Code Section 66000, et seq.)


PASSED AND ADOPTED this 3rd day of September, 2002.

Gordon T. Woods, Mayor

ATTEST:

John Lengley, City Clerk
STATE OF CALIFORNIA)  
SS  
COUNTY OF TULARE

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of September, 2002.

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

<table>
<thead>
<tr>
<th>Councilmen:</th>
<th>WEST</th>
<th>JÖYNER</th>
<th>GURROLA</th>
<th>HAMILTON</th>
<th>WOODS</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
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<td>NOES:</td>
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<td>ABSTAIN:</td>
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<tr>
<td>ABSENT:</td>
<td></td>
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</tr>
</tbody>
</table>

JOHN LONGLEY, City Clerk

By, Georgia Hawley, Deputy City Clerk
RESOLUTION NO. 67-2003

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE
AMENDING THE CITY'S FEE SCHEDULE
AND ADOPTING NEW TREATMENT PLANT FEES

WHEREAS, the California Regional Water Quality Control Board (RWQCB) has issued a cease and desist order requiring the City of Porterville to make improvements to its Wastewater Treatment Facility and its reclamation area; and

WHEREAS, in order to finance the needed improvements required by the RWQCB, the City must borrow approximately $8,000,000. Monthly sewer rates and treatment plant fees must be raised if the City is to be successful in borrowing the $8,000,000; and

WHEREAS, to ease the burden of a lump sum increase to customers, increases are scheduled by percentage over a period of three years.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Porterville amend the City's Fee Schedule (Exhibit "H") and adopt the following treatment plant fees on the effective dates listed:

<table>
<thead>
<tr>
<th>Effective Dates:</th>
</tr>
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<tbody>
<tr>
<td>6-01-03</td>
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<tr>
<td>Treatment Plant Fees</td>
</tr>
<tr>
<td>Single Family and Multiple Family - Per Unit</td>
</tr>
<tr>
<td>Commercial/Industrial Per Sewer Connection</td>
</tr>
<tr>
<td>(per gpd)</td>
</tr>
<tr>
<td>($2,183 min)</td>
</tr>
</tbody>
</table>

ATTACHMENT NO. 5
2. Said fees shall be paid as a condition of development.

3. The fees set forth above shall be further adjusted annually, beginning July 1, 2006, by the appropriate City staff, in accordance with the "ENGINEERING NEWS RECORD 20-CITY CONSTRUCTION COST INDEX" publication for the period July 1, 2005 to June 30, 2006.

4. City staff will report the proposed fee increases to the City Council not later than the City Council meeting prior to the effective date of the increase.

5. Said fees shall be reviewed, to the extent applicable, in accordance with the Fee Mitigation Act (Government Code Section 66000, et seq.)

6. The City hereby adopts the above fees, amending Exhibit "H", effective August 1, 2003.

PASSED AND ADOPTED this 3rd day of June, 2003.

[Signature]
Richard M. Stadtherr, Mayor

ATTEST:
[Signature]
John Longley, City Clerk
STATE OF CALIFORNIA
(SS
COUNTY OF TULARE)

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of June, 2003.

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

<table>
<thead>
<tr>
<th>Councilmen:</th>
<th>WEST</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>IRISH</th>
<th>STADTHERR</th>
</tr>
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<tbody>
<tr>
<td>AYES:</td>
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<td>X</td>
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<tr>
<td>NOES:</td>
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<td>ABSENT:</td>
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</tbody>
</table>

JOHN LONGLEY, City Clerk
RESOLUTION NO. 95-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING A STORM DRAINAGE FACILITIES IMPROVEMENT FEE
FOR ALL DEVELOPMENTS WITHIN THE CITY OF PORTERVILLE

WHEREAS, the City Council of the City of Porterville has adopted Ordinance No. 1440 creating and establishing the authority for imposing and charging a storm drainage facilities improvement fee; and

WHEREAS, the Storm Drain Master Plan 1989, identified the impacts of contemplated development, within the General Plan boundaries, on existing public facilities in the planning area, along with which an analysis of the need for new public facilities and improvements required by new development was conducted and said study set forth the relationship between new development, the needed facilities, and the estimated costs of those improvements; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to finance storm drainage facilities to keep demand on the existing system from increasing and accommodate increased demand brought about by new development within the planning area;

B. The fees collected pursuant to this resolution shall be used to finance only the wastewater facilities described in the Storm Drain Master Plan;

C. After considering the study and analysis entitled "Storm Drain Master Plan", and the testimony received at this public hearing, the Council approves said study and incorporates such herein, and further finds that the new development in the planning area will generate additional demand for storm drainage facilities within the impacted area;

D. There is a need in this described impact area for storm drainage facilities which have not been constructed or have been constructed, but new development has not contributed its fair share towards these facility costs and said facilities have been called for in or are consistent with the City's Circulation Element of its General Plan;

E. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described in Paragraph 3, below, for which the corresponding fee is charged, and, also, there is a reasonable
relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexus are in more detail described in the study referred to above;

F. The cost estimates set forth in the Storm Drain Master Plan are reasonable cost estimates for constructing these facilities, and the fees in attached Exhibit "A", expected to be generated by new development, will not exceed the total of these costs.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Porterville that:

1. Definitions.

(a) "New Development" shall mean construction of residential improvements, original construction of commercial, industrial or other non-residential improvements, or the addition of floor space to existing improvements.

(b) "Exempted Development" shall mean that the City Council may exempt all or specific types or sizes of residential additions for low-income housing or senior housing projects upon the developer entering into an agreement with the City which will adequately guarantee the development of said housing to the satisfaction of the City Council.

2. A storm drainage facilities improvement fee shall be paid prior to the issuance of a building permit by all non-exempted new development in the planning area. The City Engineer shall determine if the development lies within the planning area, the type of development and the corresponding fee to be charged in accordance with this resolution.

3. For new development, the fees shall be as established in the adopted fee schedule, attached hereto as Exhibit "A", and incorporated herein by this reference as if set forth in full herein, which schedule shall be further adjusted annually by the Director of Community Development and Services Department in accordance with the "ENGINEERING NEWS RECORD CONSTRUCTION COSTS INDEX" publication.

4. Use of Fee. The fee shall be solely used to pay: (1) for described public facilities to be constructed by the City; (2) for reimbursing the City for the development's fair share of those storm drainage facilities already constructed by the City; or, (3) to reimburse other developers who have constructed public facilities, where those facilities were beyond that needed to mitigate the impacts of the developer's project or projects.

5. Fee Review. Commencing in fiscal year 1995, and at least once every five years thereafter, the City Engineer shall review the estimated cost of the described capital improvements, the continued need for those
improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The City Engineer shall report his findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed.

PASSED AND ADOPTED this 7th day of August, 1990.

Theodore G. Ensslin
Theodore G. Ensslin, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)  
COUNTY OF TULARE )

I, C. G. Huffaker, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council called and held on the 7th day of August, 1990.

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

AYES: COUNCILMEN: Lok, Gifford, Ensslin
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Pruitt, Leavitt

C. G. Huffaker, City Clerk

Georgia Hawley, Deputy City Clerk
EXHIBIT "A"

STORM DRAINAGE FACILITIES IMPROVEMENT FEE
PER ACRE COST

<table>
<thead>
<tr>
<th></th>
<th>EFFECTIVE DATE</th>
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<tbody>
<tr>
<td></td>
<td>07-01-90</td>
</tr>
<tr>
<td>1. Single Family (R-1)</td>
<td>$ 1221</td>
</tr>
<tr>
<td>2. Duplex (R-2)</td>
<td>$ 2054</td>
</tr>
<tr>
<td>3. Multiple Family (R-3 &amp; R-4)</td>
<td>$ 2054</td>
</tr>
<tr>
<td>4. Commercial, Industrial and Institutional</td>
<td>$ 3258</td>
</tr>
</tbody>
</table>

* Adjusted by ENR Construction Cost Index
RESOLUTION NO. 50-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SETTING A TRANSPORTATION IMPACT FEE FOR ALL NEW DEVELOPMENTS WITHIN THE CITY OF PORTERVILLE

WHEREAS, the City Council of the City of Porterville has adopted Ordinance No. 1558 creating and establishing the authority for imposing and charging a transportation impact fee; and

WHEREAS, the Circulation Element of the City's General Plan identified the impacts of contemplated new development, excluding expansion of existing development, within the General Plan boundaries on existing or planned transportation facilities, along with which an analysis of the need for new and expanded public transportation facilities and improvements required by new development was conducted and said study set forth the relationship between new development, the needed facilities, and the estimated costs of those improvements; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to assist in financing new transportation facilities and accommodate increased demand brought about by new development within the planning area, excluding expansion of existing development;

B. The fees collected pursuant to this resolution shall be used to finance only the transportation facilities described in the City's Circulation Element;

C. There is a need identified by the City Circulation Element for transportation facilities which have not been constructed or are in need of expansion due to new development. These facilities are directly related to new development and, therefore, new development shall contribute its fair share towards the cost of these facilities. Said facilities have been called for in, or are consistent with, the City's Circulation Element of its General Plan;
D. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public transportation facilities and the impacts of the types of development described in Paragraph 4, below, for which the corresponding fee is charged, and also, there is a reasonable relationship between the use of the fee and the type of development for which the fee is charged, as these reasonable relationships are in more detail described in the study referred to above.

E. The costs estimates set forth in the Porterville Circulation Element are reasonable cost estimates for construction of these facilities, and the fees in attached Exhibit “A”, expected to be generated by new development, will not exceed the total of these costs.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Porterville that:

1. The minimum Level of Service for the purpose of establishing and implementing a transportation impact fee shall be set at Level of Service “D”. Should a higher Level of Service be pursued, alternative funding measures would be necessary.

2. “New Development” shall be defined as new construction of residential improvements (both single and multi-family), original construction of commercial, industrial, or other non-residential improvements.

3. A transportation impact fee shall be paid prior to the issuance of a building permit by all new development in the planning area. The City Engineer shall determine if the development lies within the planning area, the type of development and the corresponding fee to be charged in accordance with this resolution.

4. For new development, the fees shall be as established in the adopted fee schedule, attached hereto as Exhibit “A”, and incorporated herein by this reference as if set forth in full herein, which schedule shall be further adjusted annually by the Director of Community Development and Services Department in accordance with the “ENGINEERING NEWS RECORD CONSTRUCTION COSTS INDEX” publication.

5. The use of the impact fee for public transportation facilities shall be in conformance with those projects specifically identified in the most recently adopted Porterville Circulation Element as Projects Necessary to Achieve Level of Service “D”. The fee shall be solely used to pay: (1) for the described public transportation facilities to be constructed by the City or developer; (2) for reimbursing the city for the development’s fair share of those capital improvements already constructed by the City; or, (3) to reimburse developers who have constructed off-site transportation facilities as conditions of development.

6. Fee Review. Commencing in fiscal year 2003, and at least once every five years thereafter, the City Engineer shall review the estimated cost of the described capital
improvements, the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The City Engineer shall report his findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed.

PASSED AND ADOPTED this 5th day of May, 1998.

Judith Ann Gibbons, Mayor

ATTEST:

C. C. Hurst, City Clerk
**EXHIBIT “A”**

**TRANSPORTATION IMPACT FEE**

<table>
<thead>
<tr>
<th></th>
<th>EFFECTIVE DATE</th>
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<tbody>
<tr>
<td></td>
<td>7-1-98</td>
</tr>
<tr>
<td>1. Single Family (R-1) per unit</td>
<td>$ 250</td>
</tr>
<tr>
<td>2. Multiple Family (per unit)</td>
<td>$ 170</td>
</tr>
<tr>
<td>3. General Office/Institutional</td>
<td>$ 635</td>
</tr>
</tbody>
</table>
  (per 1,000 square feet of gross floor area) |
| 4. Commercial                    | $1210 | $2455+ | $3558+ |
  (per 1,000 square feet of gross floor area) |
| 5. Light Industrial              | $ 180 | $ 365+ | $ 530+ |
  (per 1,000 square feet of gross floor area) |

*To be increased annually by the ENR Construction Cost Index*
STATE OF CALIFORNIA  
COUNTY OF TULARE  

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 5th day of May, 1998.

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

<table>
<thead>
<tr>
<th>Councilmen:</th>
<th>IRISH</th>
<th>GURROLA</th>
<th>LEAVITT</th>
<th>CHOATE</th>
<th>GIBBONS</th>
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<tr>
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<td>X</td>
<td>X</td>
<td></td>
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<td>NOES:</td>
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<td>ABSTAIN:</td>
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<td>X</td>
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C. G. HUFFAKER, City Clerk

By, Georgia Hawley, Deputy City Clerk
EXHIBIT 'A'

PARK IMPACT FEES ◦

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family (R-1) ◄</td>
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<td>$654</td>
</tr>
<tr>
<td>Multiple Family Per Unit ◄</td>
<td>$500</td>
<td>$508</td>
</tr>
<tr>
<td>Mobile Homes ◄</td>
<td>$361</td>
<td>$367</td>
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To be increased annually by the Engineering News Record Construction Cost Index.

∆Resolution #2-99 (Establishing ENR Annual Adjustment)
* Based on ENR Index = 8671 dated 03/01/2010
◊ Fees Covered by the Mitigation Fee Act
(Reference Acreage Fees)

EXHIBIT ‘H’
CONNECTION FEES

<table>
<thead>
<tr>
<th>TRUNK LINE SEWER FEES</th>
<th>EFFECTIVE DATE</th>
<th>8/15/09</th>
<th>7/01/10*</th>
</tr>
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<tbody>
<tr>
<td>1. Hillside Development - per acre (Δ 142-02)</td>
<td>$981</td>
<td>$997</td>
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<tr>
<td>2. Single Family (R-1) - per acre (Δ 94-90)</td>
<td>$1,797</td>
<td>$1,826</td>
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<td>3. Duplex (R-2) - per acre (Δ 94-90)</td>
<td>$4,175</td>
<td>$4,242</td>
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<td>4. Multiple Family (R-3 &amp; R-4) - per acre (Δ 94-90)</td>
<td>$9,739</td>
<td>$9,895</td>
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<tr>
<td>5. Institutional - per acre**(Δ 94-90)</td>
<td>$677</td>
<td>$688</td>
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<tr>
<td>6. Commercial &amp; Professional Office - per acre**(Δ 94-90)</td>
<td>$2,538</td>
<td>$2,579</td>
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</tr>
<tr>
<td>7. Industrial - per acre**(Δ 94-90)</td>
<td>$10,835</td>
<td>$11,008</td>
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<table>
<thead>
<tr>
<th>TREATMENT PLANT FEES</th>
<th>EFFECTIVE DATE</th>
<th>8/15/09</th>
<th>7/01/10*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single Family and Multiple Family - per unit (Δ 67-03)</td>
<td>$2,946</td>
<td>$2,993</td>
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</tr>
<tr>
<td>2. Commercial and Industrial - per sewer connection (Δ 67-03)</td>
<td>$10.53</td>
<td>$10.70</td>
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</tr>
<tr>
<td>(per gpd)</td>
<td>(per gpd)</td>
<td>($2,946.00)</td>
<td>($2,993)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SEWER CONNECTION CHARGES</th>
<th>EFFECTIVE DATE</th>
<th>8/15/09</th>
<th>7/01/10*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Six Inch or Smaller - per foot</td>
<td>$9.70</td>
<td>$9.86</td>
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<tr>
<td>2. Eight Inch - per foot</td>
<td>$12.74</td>
<td>$12.94</td>
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<tr>
<th>WATER TRUNK FEES</th>
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<th>8/15/09</th>
<th>7/01/10*</th>
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<tbody>
<tr>
<td>1. Hillside Development - per acre (Δ 142-02)</td>
<td>$1,410</td>
<td>$1,433</td>
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<tr>
<td>2. Single Family (R-1) - per acre (Δ 93-90)</td>
<td>$2,941</td>
<td>$2,988</td>
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<tr>
<td>3. Duplex (R-2) - per acre (Δ 93-90)</td>
<td>$7,363</td>
<td>$7,481</td>
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<tr>
<td>4. Multiple Family (R-3 &amp; R-4) - per acre (Δ 93-90)</td>
<td>$17,190</td>
<td>$17,465</td>
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<tr>
<td>5. Institutional**(Δ 93-90)</td>
<td>$1,919</td>
<td>$1,950</td>
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<tr>
<td>6. Commercial and Professional Office - per acre**(Δ 93-90)</td>
<td>$2,210</td>
<td>$2,245</td>
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<tr>
<td>7. Industrial - per acre**(Δ 93-90)</td>
<td>$16,977</td>
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<tr>
<th>WATER CONNECTION FEE</th>
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<tbody>
<tr>
<td>1. Connection Charges - per foot</td>
<td>$8.30</td>
<td>$8.43</td>
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<tr>
<th>STREET LIGHT FEES</th>
<th>EFFECTIVE DATE</th>
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<tbody>
<tr>
<td>1. Multiple Family - per foot</td>
<td>$2.52</td>
<td>$2.56</td>
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</tr>
<tr>
<td>2. Commercial/Industrial - per foot</td>
<td>$3.18</td>
<td>$3.23</td>
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</tbody>
</table>

Page 1 of 2
STORM DRAINAGE FEES
1. Single Family (R-1) - per acre (inc. Hillside Dev.) (Δ 95-90)
   EFFECTIVE DATE 8/15/09  7/01/10*
   2. Duplex (R-2) - per acre (Δ 95-90)
      $4,845  $4,923
   3. Multiple Family (R-3 & R-4) - per acre (Δ 95-90)
      $6,463  $6,566
   4. Commercial, Industrial & Institutional - per acre (Δ 95-90)
      $9,695  $9,850
      $12,922  $13,129

FIRE HYDRANT FEES
1. Multiple Family - per foot
   EFFECTIVE DATE 8/15/09  7/01/10*
   $3.30  $3.35
2. Commercial/Industrial - per foot
   $4.88  $4.96

TRANSPORTATION IMPACT FEES
1. Single Family (R-1) per unit (Δ 50-98)
   EFFECTIVE DATE 8/15/09  7/01/10*
   $1,036  $1,053
2. Multiple Family (per unit) (Δ 50-98)
   $701  $712
3. General Office/ Institutional (per 1,000 sq ft of gross floor) (Δ 50-98)
   $2,667  $2,710
4. Commercial (per 1,000 square feet of gross floor area) (Δ 50-98)
   $5,074  $5,155
5. Light Industrial (per 1,000 square feet of gross floor area) (Δ 50-98)
   $756  $768

FRONTAGE IMPROVEMENT VALUATION
1. Frontage Improvements are required when the
   Building Permit valuation is over ◆
   (Beginning 2/19/04 - over a two-year period)
   EFFECTIVE DATE 8/15/09  7/01/10*
   $18,421  $18,716

ΔResolution Establishing ENR Annual Adjustment
◆Ordnance No. 1644 dated 2-19-04 (includes Annual Adjustment by ENR)
◇ Fees Covered by the Mitigation Fee Act
*Based on ENR Index = 8671 dated 3/01/10

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

Water - $173.24 per 100 GPD of actual average demand (adjusted annually by the
ENR Construction Cost Index).

Sewer - $147.25 per 100 GPD of actual daily flow (adjusted annually by the ENR
Construction Cost Index).

BSR:MKR:vs
SUBJECT: ANNEXATION 473 (COTTAGE ESTATES) – RESCINDING PREVIOUSLY APPROVED RESOLUTIONS AND REAPPROVING DRAFT RESOLUTIONS PER CITY COUNCIL DIRECTION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On May 4, 2010, staff requested further direction and clarification from the City Council regarding Annexation 473. Additional fees and steps were a result of the added territory that was included at the April 6, 2010, City Council meeting. From the options provided, the Council directed staff to separate the added territory, proceed with the original annexation, and process the remaining area under a separate annexation to prevent further delay to the applicant. Staff will return with a second annexation for the Council's consideration of the remaining county island area in the near future.

The purpose of the original annexation was to incorporate an ± 8.52 acre portion of a county island that included a 16-lot Tentative Subdivision Map. The annexation would facilitate development of the proposed subdivision and provide City utilities and other services.

In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City Council may authorize filing of the necessary application and proposal for presenting Annexation No. 473 to the Local Agency Formation Commission (LAFCo) for its review and approval.

RECOMMENDATION: That the City Council rescind the previously approved Resolutions 41-2010, 42-2010, and 43-2010, and adopt the originally drafted resolutions approving Annexation 473.

ATTACHMENTS:

1. Original Annexation No. 473 Map
2. Draft Resolution rescinding Resolutions 42-2010, 43-2010, & 44-2010
3. Draft Resolution Adopting a Negative Declaration for the project
4. Draft Resolution Authorizing the City Clerk to Initiate Proceedings
5. Draft Resolution approving Tentative Subdivision Map 1-2010
6. Previously approved Resolutions 42-2010, 43-2010, and 44-2010
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
RESCINDING RESOLUTION NO’S. 42-2010, 43-2010, AND 44-2010

WHEREAS, on April 6, 2010, the City of Porterville (City) adopted Resolutions No’s. 42-2010, 43-2010, and 44-2010, which adopted a Negative Declaration of Environmental Impact and approved all the proceedings for Annexation Area 473 and Tentative Subdivision Map 1-2010; and

WHEREAS, at the April 6, 2010 City Council meeting, substantial territory was added to the annexation which created unforeseen procedural issues primarily associated with the scope of the environmental, timing, and cost; and

WHEREAS, upon further review of the project, it has been determined to not be in the best interest of the public to proceed with this annexation as approved; and

NOW THEREFORE BE IT RESOLVED that the City Council does hereby rescind Resolution No’s. 42-2010, 43-2010, and 44-2010.

This Resolution shall become effective on May 18, 2010.

ADOPTED this 18th day of May, 2010.

__________________________________________
Pete V. McCraken, Mayor

ATTEST:

John Lollis, City Clerk

By________________________________________
   Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT
ITEM NO. 2
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR ANNEXATION 473 AND
TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES) FOR THAT ±8.52 ACRE
SITE GENERALLY LOCATED ON THE NORTH OF HENDERSON AVENUE, EAST OF
INDIANA STREET, SOUTH OF PIONEER AVENUE AND WEST OF SCENIC HEIGHTS.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
May 18, 2010, conducted a public hearing to consider Annexation 473 and 16 lot Tentative
Subdivision Map 1-2010 for that ±8.52 acre site generally located on the north side of Henderson
Avenue, east of Indiana Street, South of Pioneer Avenue and West of Scenic Heights (Exhibits A &
B); and

WHEREAS: The existing County R-1 Zoning (Single Family Residential) will be annexed
into the City as R-1 (One Family) Zone for the entire ±8.52 acre site; and

WHEREAS: Annexation 473 is a proposal to incorporate ±8.52 acres of land into the City
Limits of Porterville. In accordance with the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000, the City Council may authorize filing of the necessary application and
proposal for presenting Annexation No. 473 to the Local Agency Formation Commission (LAFCo)
for its review and approval; and

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

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

2. That the subject project will not create adverse environmental impacts as indicated in
   the initial study prepared for the project;

3. The Negative Declaration prepared for this project was made available for public
   review and comment;

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

5. That review of the environmental circumstances regarding this project indicate that
   there are will be no adverse impacts to the wildlife resources from implementation of
   the project;

6. That the environmental analysis prepared for the project supporting the Negative
   Declaration reflects the independent judgment of the City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City of Porterville does hereby approve the Negative Declaration prepared for Annexation 473 and Tentative Subdivision Map 1-2010 (Cottage Estates), as described here in.

Peter V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By __________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO._______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 473

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit "A" and made a part hereof by reference as though set forth herein.

ATTACHMENT
ITEM NO. 4
C. The reasons for this proposal are as follows:

To provide municipal services including sanitary sewer, water, and storm drainage services, police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo's Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. The subject site is an uninhabited annexation and is not located within an agricultural preserve.

E. The Assessor's roll indicates that approximately 3 property owners are assessed to the 3 lots as identified in Annexation 473 (Exhibit A).

F. That the subject site consists of ±8.52 acres (Exhibit B).

G. The subject site is located within Porterville's Urban Development Boundary and LAFCo's Sphere of Influence Boundary.

H. Porterville's General Plan designates the site for Low Density Residential uses.

I. Upon consummation of the proposed annexation, the subject site will automatically be zoned City R-1 (One-Family Residential) pursuant to Section 110 A-4 of the Porterville Zoning Ordinance.

J. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

__________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By _______________________
Patrice Hildreth, Chief Deputy City Clerk
Resolution No. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT AND CONDITIONS OF APPROVAL FOR TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES), A 16 LOT SUBDIVISION ON ±4.32 ACRES, LOCATED ON THE NORTH SIDE OF WESTFIELD AVENUE APPROXIMATELY 300 FEET EAST OF INDIANA STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2010, conducted a public hearing to consider Annexation 473 (a total area of ±126.6 acres) and 16 lot Tentative Subdivision Map 1-2010 (a ±4.32 acre portion of the annexation area) site generally located on the north side of Henderson Avenue, east of Indiana Street, South of Pioneer Avenue and West of Scenic Heights; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed Annexation 473 and Tentative Subdivision Map 1-2010 (Cottage Estates) (Exhibits A & B); and

WHEREAS: The existing County R-1 Zoning (Single Family Residential) will be annexed into the City as R-1 (One Family) Zone on that ±8.52 acres; and

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

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

2. That the site is physically suitable for the type and density of the proposed development. The Land Use Element of the General Plan designates the site for Low Density Residential. The propose subdivision will be developed within the density allowed by the General Plan.

3. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act indicate that the project will not have a significant effect on the environment.

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

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

6. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council find the following facts with respect thereto:

a. That there are special circumstances or conditions affecting such property.

Response: Due to layout of the streets and proposed lots, the short lot depth for the property line that separates Parcels 3 and 4 can not be avoided.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Response: The modification is requested to allow the property to be subdivided pursuant to all other City design standards.

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Response: The exception will allow the property line that separates Parcels 3 and 4 to have a lot depth of 8.76 feet less than the minimum of 80 feet.

The affected lots are ±120ft beyond the entrance to the cul-de-sac. As a result, the excessive lot depth will not be noticeable to neighboring property owners.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Response: The modification will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.

e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Cottage Estates Tentative Subdivision Map 1-2010 subject to the following conditions:

1. The parcel line separating Parcels 3 & 4 has a lot depth of 71.24 feet.

Section 21-7 b (lot depth) of the Subdivision Ordinance states the following:

"The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet."

Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council makes findings with respect thereto.

As a result, Staff has received a letter from the applicant/agent requesting an exception from the minimum lot depth of 80 feet for those parcel lines separating Parcels 3 & 4.

2. Proposed Parcel Two (2) is considered a reverse corner lot. Any new construction or additions to include six foot high fences on this parcel will require a minimum of 12-foot setback from the cul-de-sac street. A two (2) car garage or carport (400 square feet) will be required to be constructed on this lot and the septic system will be abandoned and the property will connect to City services (water and sewer).

3. Proposed Parcel Three (3) is also considered a reverse corner lot. Any new construction to include six (6) foot high fences will require a minimum of 12-foot setback on the cul-de-sac street.

4. The Tentative Subdivision Map 1-2010 is contingent upon the approval of Annexation 473.

5. During pre-consultation with LAFCO, it was required by LAFCo Staff to include in the proposed annexation, at minimum, the two adjacent parcels to the east. A survey letter and notice of proposed annexation is being mailed to the additional property owners.


7. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
8. The developer/applicant is hereby notified that the property is subject to $6,323.10 development fees per Resolution No. 132-2003. The fee is associated with the construction of concrete improvements along Westfield Avenue by City.

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

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

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

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

13. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access. At this time it is the opinion that access to Westfield Avenue will be restricted with the exception of Lot 1. The driveway(s) for this lot shall be designed for head in entrances to Westfield Avenue, such as a circular drive or hammer head driveway.

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

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

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

16. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of the Final Map acceptance.
17. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standards for "backflow" prevention pursuant to Resolution No. 9615 for all wells that will remain in service. Show all existing wells on the Tentative Subdivision Map and designate which well or wells will remain in service upon full development.

18. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

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

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

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

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

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

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

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

25. The developer/applicant shall direct all run-off to the existing storm drain piping system in Westfield Avenue.

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

27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.
28. The developer/applicant shall construct first phase full street frontage improvements, including all underground utilities, to a line between the northwest corner of Parcel 2 and northeast corner of Parcel 4. Sidewalk installation along Parcel 4 may be deferred to building permit issuance of the next phase. The first phase shall be extended northerly to include Lot 5 and Lot 16 if one of the existing structures on Lot 16 has been legally converted to a single family residence.

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

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

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

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

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

34. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbleite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Street light spacing shall be at 160 foot intervals, staggered throughout the proposed subdivision.

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

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

37. When fees are paid, a more thorough study will be made. At that time additional conditions may be found to be necessary or some of the above conditions may be found to be unnecessary.
38. Provide all copies of permits and final records for the entire property. All permits still open with the County shall be finished out by the County Building Department.

39. Compliance with access laws (both state and federal) is required.

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

41. The project must comply with latest applicable codes.

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

43. Additional fire hydrants will be required. Hydrant location shall be as follows: between lots 14/15. All hydrants must be in a place and accepted by the Fire Department prior to any combustibles being brought onto the site.

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

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

46. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

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

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

49. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 p.s.i. residual pressure. One and two family dwelling having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 p.s.i. residual pressure.
50. That the subject site will be developed/maintained in accordance with the proposed maps labeled EXHIBIT "A" & "B."

Peter V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 42-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR ANNEXATION 473 AND TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGEESTATES) FOR THAT ±126.6 ACRE SITE GENERALLY LOCATED ON THE NORTH OF HENDERSON AVENUE, EAST OF INDIANA STREET, SOUTH OF PIONEER AVENUE AND WEST OF SCENIC HEIGHTS.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 6, 2010, conducted a public hearing to consider Annexation 473 and 16 lot Tentative Subdivision Map 1-2010 for that ±126.6 acre site generally located on the north side of Henderson Avenue, east of Indiana Street, South of Pioneer Avenue and West of Scenic Heights (Exhibits A&B); and

WHEREAS: The existing County R-1 Zoning (Single Family Residential) will be annexed into the City as R-1 (One Family) Zone for the entire ±126.6 site; and

WHEREAS: Annexation 473 is a proposal to incorporate ±126.6 acres of land into the City Limits of Porterville. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City Council may authorize filing of the necessary application and proposal for presenting Annexation No. 473 to the Local Agency Formation Commission (LAFCo) for its review and approval; and

WHEREAS: The City Council recognizes that the area is identified as Area #7 of the Major Islands Annexation Program initiated in 2005; and

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

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.
2. That the subject project will not create adverse environmental impacts as indicated in the initial study prepared for the project;
3. The Negative Declaration prepared for this project was made available for public review and comment;
4. That the City Council is the decision-making body for the project.
5. That review of the environmental circumstances regarding this project indicate that there are will be no adverse impacts to the wildlife resources from implementation of the project;
6. That the environmental analysis prepared for the project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

ATTACHMENT ITEM NO.
NOW, THEREFORE, BE IT RESOLVED: That the City of Porterville does hereby approve the Negative Declaration prepared for Annexation 473 and Tentative Subdivision Map 1-2010 (Cottage Estates), as described here in.

Peter V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 6th day of April, 2010.

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

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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 43-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 473

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

   A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit "A" and made a part hereof by reference as though set forth herein.

ATTACHMENT ITEM NO. 6
to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks.

34. The project is subject to compliance with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

35. Trash enclosures shall be located and designed to screen trash bins from view from neighboring residences and from public streets. The developer/applicant shall install all refuse container enclosures according to City standards. Enclosure locations to be approved by the Public Works Department prior to issuance of building permit. Enclosures should be oriented for direct stab pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

36. The developer/applicant shall install an automatic irrigation system for all landscape planting, including street trees. All landscaping and trees that are required to be planted as a part of this project, shall be installed prior to occupancy, and be permanently maintained by the developer/applicant in a neat and orderly manner, and a healthy and vigorous growing condition.

37. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one (1) tree per eight (8) parking spaces. A minimum of five (5) percent of the parking areas shall be landscaped with plant materials. Such landscaping is to be uniformly disbursed.

38. Although precise calculations have not yet been made, the developer/applicant should be aware that traffic impact fees will apply to this project. The current rate for commercial development is $4,530 per 1,000 sq. ft. Impact fees are adjusted annually pursuant to the Engineering News Record that generally take effect July 1 of each year.

39. Comply with Article 26 of the Zoning Ordinance pertaining to off-site improvements.

40. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (latest edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the Caltrans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

41. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest,
C. The reasons for this proposal are as follows:

To provide municipal services including sanitary sewer, water, and storm drainage services, police and fire protection, and other municipal services as so required.

To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo's Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. The subject site is an uninhabited annexation and is not located within an agricultural preserve.

E. The Assessor's roll indicates that approximately 155 property owners are assessed to the 155 lots as identified in the Major Islands Annexation Program as Project Area #7 (Exhibit A).

F. That the subject site consists of ±126.6 acres (Exhibit B).

G. The subject site is located within Porterville's Urban Development Boundary and LAFCo's Sphere of Influence Boundary.

H. Porterville's General Plan designates the site for Low Density Residential uses.

I. Upon consummation of the proposed annexation, the subject site will automatically be zoned City R-1 (One-Family Residential) pursuant to Section 110 A-4 of the Porterville Zoning Ordinance.

J. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

[Signature]
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

[Signature]
Patrice Hildreth, Chief Deputy City Clerk
I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 6th day of April, 2010.

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

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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Resolution No. 44-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT AND CONDITIONS OF APPROVAL FOR TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES), A 16 LOT SUBDIVISION ON ±4.32 ACRES, LOCATED ON THE NORTH SIDE OF WESTFIELD AVENUE APPROXIMATELY 300 FEET EAST OF INDIANA STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 6, 2010, conducted a public hearing to consider Annexation 473, a total area of ±126.6 acres and 16 lot Tentative Subdivision Map 1-2010 (a ±4.32 acre portion of the annexation area), site generally located on the north side of Henderson Avenue, east of Indiana Street, South of Pioneer Avenue and West of Scenic Heights; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed Annexation 473 and Tentative Subdivision Map 1-2010 (Cottage Estates) (Exhibits A & B); and

WHEREAS: The existing County R-1 Zoning (Single Family Residential) to the City R-1 (One Family) Zone on that ±126.6 acres; and

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

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

2. That the site is physically suitable for the type and density of the proposed development. The Land Use Element of the General Plan designates the site for Low Density Residential. The proposed subdivision will be developed within the density allowed by the General Plan.

3. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act indicate that the project will not have a significant effect on the environment.

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

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

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

ATTACHMENT
ITEM NO. 6
7. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council find the following facts with respect thereto:

a. That there are special circumstances or conditions affecting such property.

Response: Due to layout of the streets and proposed lots, the short lot depth for the property line that separates Parcels 3 and 4 cannot be avoided.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Response: The modification is requested to allow the property to be subdivided pursuant to all other City design standards.

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Response: The exception will allow the property line that separates Parcels 3 and 4 to have a lot depth of 8.76 feet less than the minimum of 80 feet.

The affected lots are ±120 feet beyond the entrance to the cul-de-sac. As a result, the excessive lot depth will not be noticeable to neighboring property owners.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Response: The modification will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.

e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Response: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth) and is consistent with the density allowed by the General Plan.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Cottage Estates Tentative Subdivision Map 1-2010 subject to the following conditions:

1. The parcel line separating Parcels 3 & 4 has a lot depth of 71.24 feet.

Section 21-7 b (lot depth) of the Subdivision Ordinance states the following:

"The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet."

Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council makes findings with respect thereto.

As a result, Staff has received a letter from the applicant/agent requesting an exception from the minimum lot depth of 80 feet for those parcel lines separating Parcels 3 & 4.

2. Proposed Parcel Two (2) is considered a reverse corner lot. Any new construction or additions to include six foot high fences on this parcel will require a minimum of 12-foot setback from the cul-de-sac street. A two (2) car garage or carport (400 square feet) will be required to be constructed on this lot and the septic system will be abandoned and the property will connect to City services (water and sewer).

3. Proposed Parcel Three (3) is also considered a reverse corner lot. Any new construction to include six (6) foot high fences will require a minimum of 12-foot setback on the cul-de-sac street.

4. The Tentative Subdivision Map 1-2010 is contingent upon the approval of Annexation 473.

5. During pre-consultation with LAFCO, it was required by LAFCO Staff to include in the proposed annexation, at minimum, the two adjacent parcels to the east. A survey letter and notice of proposed annexation is being mailed to the additional property owners.


7. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
8. The developer/applicant is hereby notified that the property is subject to $6,323.10
development fees per Resolution No. 132-2003. The fee is associated with the
construction of concrete improvements along Westfield Avenue by City.

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

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

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

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

13. The developer/applicant shall dedicate a one foot (1') limitation of access strip at
locations where, in the opinion of the City Engineer, it is undesirable to allow access. At
this time it is the opinion that access to Westfield Avenue will be restricted with the
exception of Lot 1. The driveway(s) for this lot shall be designed for head in entrances to
Westfield Avenue, such as a circular drive or hammer head driveway.

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

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

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

16. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant
shall enter into an agreement that provides for completion of improvements within twelve
(12) months of the Final Map acceptance.
17. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service. Show all existing wells on the Tentative Subdivision Map and designate which well or wells will remain in service upon full development.

18. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

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

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

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

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

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

1. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
2. The water system, is functional from the source of water past the lots on which
permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

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

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

5. Lot corners are marked;

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

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

25. The developer/applicant shall direct all run-off to the existing storm drain piping system in Westfield Avenue.

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

27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.
38. Provide all copies of permits and final records for the entire property. All permits still open with the County shall be finished out by the County Building Department.

39. Compliance with access laws (both state and federal) is required.

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

41. The project must comply with latest applicable codes.

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

43. Additional fire hydrants will be required. Hydrant location shall be as follows: between lots 14/15. All hydrants must be in a place and accepted by the Fire Department prior to any combustibles being brought onto the site.

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

45. Fire hydrant spacing shall be as follows:

   In Residential development, one hydrant shall be installed at 500-foot intervals.

46. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

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

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

49. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 p.s.i. residual pressure. One and two family dwelling having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 p.s.i. residual pressure.
50. That the subject site will be developed/maintained in accordance with the proposed maps labeled Exhibit "C" and "D."

Pete V. McCracken, Mayor

ATTEST:

JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
COTTAGE ESTATES
TENTATIVE SUBDIVISION MAP

NOTE: This drawing plan is intended for design and grading ONLY. It shows alignment of streets and proposed lot lines. It shows proposed lot lines or any other part of the building. The proposed lot lines are drawn to show the proposed lines of the streets. The proposed lot lines are not intended to be used for any legal purposes.

TYPICAL LOT GRADING DETAIL

WOOD RETAINING WALL

LOT 1 CIRCULAR DRIVE DETAIL

EXHIBIT B
STATE OF CALIFORNIA    
CITY OF PORTERVILLE  
COUNTY OF TULARE

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 6th day of April, 2010.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Ward</th>
<th>Hamilton</th>
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JOHN D. LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: IMPLEMENTATION OF PORTERVILLE DEVELOPMENT CODE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At their regularly scheduled meeting on May 4, 2010, the City Council adopted the new comprehensive development code. With adoption, staff is now seeking direction from the Council on transitional implementation of projects. The new code becomes effective on June 4, 2010, for all new projects; however, some consideration must be given to previously approved and entitled projects.

Staff is recommending that the following projects be subject to the prior codes:

1. Approved projects with entitlements that have set timelines for expiration (such as conditional use permits) until they are constructed or their timelines expire. A formal extension may be granted by the City Council but shall not exceed two years from the effective date of the code (June 4, 2010.)

2. Approved projects with entitlements that do not have set timelines for expiration (such as Design Overlay Site Review approvals) for two years from the effective date of the code.

3. Projects without entitlements, which have been or will be submitted to the City for review and comment by the Project Review Committee (PRC) prior to June 4, 2010, for one year from the PRC approval date.

4. Building permits for new homes on lots in previously approved subdivisions with master residential permits that proposed specific home designs for the subdivision.

As envisioned, the Zoning Administrator would resolve ambiguities between the prior or current code applicability for specific cases, with appeals to the City Council. In any of the cases listed above, the owner/applicant may voluntarily choose to be subject to the new development code. In no case shall the provisions of both codes apply at the same time for any project. Following council direction, staff will contact the owners/developers of prior projects for the past three years to notify them of these deadlines.

RECOMMENDATION: That the City Council:

Adopt a Draft Resolution formalizing transitional implementation of the adopted Porterville Development Code.

ATTACHMENTS: Draft Resolution

Item No. 7
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE APPROVING TIMELINES FOR TRANSITIONAL IMPLEMENTATION OF
THE PORTERVILLE DEVELOPMENT CODE

WHEREAS: On May 4, 2010 the City Council adopted a comprehensive development code
consisting of a new Zoning Ordinance, Subdivision Ordinance and other design standards; and

WHEREAS: The new development ordinance becomes effective on June 4, 2010; and

WHEREAS: In order to transition between the current Zoning and Subdivision
ordinances and the development code, some consideration must be given to previously approved
and current projects.

THEREFORE BE IT HEREBY RESOLVED that the City Council of the City of
Porterville does hereby provide the following criteria for transitional implementation of the
adopted Porterville Development Code:

1. The following projects are subject to the prior development code:

   A. Approved projects with entitlements that have set timelines for expiration
      (such as conditional use permits) until they are constructed or their timelines
      expire. A formal extension may be granted by the City Council but shall not
      exceed two years from the effective date of the code (June 4, 2010.)

   B. Approved projects with entitlements that do not have set timelines for B. B
      expiration (such as Design Overlay Site Review approvals) for two years
      from the effective date of the code.

   C. Projects without entitlements, which have been or will be submitted to the
      City for review and comment by the Project Review Committee (PRC) prior
      to June 4, 2010, for one year from the PRC approval date.

   D. Building permits for new homes on lots in previously approved subdivisions
      with master residential permits that proposed specific home designs for the
      subdivision.

2. The Zoning Administrator shall resolve ambiguities between the prior or current code
applicability for specific cases, with appeals to the City Council. In any of the cases listed
above, the owner/applicant may voluntarily choose to be subject to the new development
code. In no case shall the provisions of both codes apply at the same time for any project.
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
   Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: May 18, 2010

SUBJECT: AWARD OF CONTRACT - “REAL ESTATE BROKER SERVICES” FOR PROPERTY DISPOSITION FOR NEIGHBORHOOD STABILIZATION PROGRAM

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On April 19, 2010, staff received two (2) responses to the Request for Proposal (RFP) for “Real Estate Broker Services” for disposition of properties acquired and rehabilitated through the Neighborhood Stabilization Program. Following are the rankings each firm received after staff’s review:

<table>
<thead>
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<th>FIRM</th>
<th>RANKING</th>
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<tr>
<td>Melson Realty</td>
<td>1</td>
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<tr>
<td>Porterville, CA</td>
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<tr>
<td>Century 21 All Star Realty</td>
<td>2</td>
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<tr>
<td>Porterville, CA</td>
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Staff has found the firm Melson Realty responsive to the request for proposals.

RECOMMENDATION: That the City Council:

1) Authorize staff to negotiate a service agreement with the firm Melson Realty – Larry Harper, Broker;
2) Authorize staff to negotiate a service agreement with the second ranked firm Century 21 All Star Realty – Mike Allen, Broker if unable to negotiate an agreement with the first ranked firm; and
3) Authorize the Mayor to sign all documents.

DD  $1 Appropriated/Funded No CM Item No. 8
SUBJECT: FAMILY PLACE LIBRARY PROGRAM

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: This report is to inform the City Council that Staff is preparing a grant application under a federal program administered through the California State Library for FY 2010-2011. The California State Library has instituted a Family Place Library Program as a new statewide initiative. Family Place is a national project first developed by the Middle Country Public Library in New York. Through the California State Library a training center was recently established in Los Angeles and is the second such facility in the nation.

The Family Place Library Program expands the traditional role of Children’s Library Services by providing a training institute that includes a theoretical grounding in family-centered library services through parent education, space design, collection development, parent/child activity, community outreach and partnership. The Family Place Model can be incorporated to fit into any size library and focuses on the public library habit at an early age for parents and children.

The Family Place Library Program requires a two-part application process. The first part is to determine which of California’s local libraries are eligible to participate during the upcoming year. This requires submission by June 25, 2010 of a competitive application for staff training. Training applications will be reviewed and up to 13 public libraries will be selected by Monday, July 26, 2010. If the City of Porterville Library application is successful, two staff members will be required to participate in a three day Family Place Training Institute in Los Angeles in September 2010. After completion of the training institute participating libraries become eligible to apply for a Family Place Implementation Grant of up to $15,000 to support development of family/early childhood space.

RECOMMENDATION: That the City Council accept this informational report.

Director  Appropriated/Funded  City Manager  ITEM NO.: 9
SUBJECT: FIRE PREVENTION AND SAFETY GRANTS - FY 2009

SOURCE: FIRE DEPARTMENT

COMMENT: In 2009, the Porterville Fire Department through the City of Porterville submitted an application for a Fire Prevention and Safety Grant. The purpose of the grant is to reduce fire-related injuries and deaths, reduce property loss, and provide improved fire and life safety within the community of Porterville. The Fire Prevention and Safety Grant has been awarded to the City of Porterville in the amount of $167,775.

The Fire Prevention and Safety Grant has three key components: 1) direct delivery of fire prevention and safety instruction to target audiences of school-age children, the elderly, and disabled adults, 2) a door-to-door smoke detector installation program in targeted geographical areas in the City such as mobile home parks, senior housing and assisted living facilities, and 3) a media campaign to promote fire safety and prevention messages in our community through the use of transit billboards, billboards, road signs and graphic public education displays on fire apparatus.

This grant also covers a limited term of one year's pay and benefits for a Public Education Officer. The Public Education Officer will manage and implement the components of the 2009 Fire Prevention and Safety Grant.

RECOMMENDATIONS: That the City Council:

1. Accept the 2009 Fire Prevention and Safety Grant.

2. Make the appropriate budget adjustment to the 025-Special Safety Grant Fund in the amount of $167,775 to cover the components of the Fire Prevention and Safety Grant.

Dir [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. 10
SUBJECT: VISALIA'S HAZ-MAT RESPONSE TEAM

SOURCE: FIRE DEPARTMENT

COMMENT: The City of Visalia has been participating with local agencies to address the need for ongoing funding to continue as well as sustain the City of Visalia's Hazardous Material Response Team. At the direction of the Tulare County Emergency Council, a Haz-Mat Program Sub-Committee was formed.

This sub-committee was tasked with looking into options for funding Visalia’s Hazardous Material Response Team operational cost. Initially, the concept of increasing the Certified Unified Program Agency (CUPA) fees paid by businesses, in order to cover the cost of maintaining the Visalia’s Hazardous Material Response Team was looked into; however CUPA fees could not be used for this purpose since the cities in our area are not participating in the CUPA program.

The sub-committee attempted to take a county approach in which a county-wide program would be implemented, utilizing three outreach informational meetings in each city to survey if businesses were willing to off-set the cost of Visalia’s Hazardous Material Response Team. Another idea presented to the committee by a committee member was to utilize the permit fee process as prescribed in the California Fire Code (CFC).

At the last sub-committee meeting of May 11, 2010, Fire Chief Mark Nelson provided the committee with a report from the last meeting with the Council of Cities. Chief Nelson indicated that the Council of Cities was in full support of utilizing the permit fee as prescribed in the CFC as a funding source for Visalia's Hazardous Material Response Team. Each city would assess a fee to local businesses in their prospective area to provide funding for Visalia's Hazardous Material Response Team, or if the cities did not wish to assess a fee, then the cities could contribute their cost share individually. Also, Chief Nelson has drafted a new contract, which would be available in the near future for all to review, delineating some changes to the existing contract. Once implemented, the new contract would apply to those cities that wish to utilize Visalia's Hazardous Material Response Team to mitigate an incident in their jurisdiction.
The City of Porterville’s annual cost share is proposed to be $14,149; however, if Kings County wants to participate in the cost sharing, which at this time is a possibility, the City of Porterville’s cost share would decrease to $10,477 per year. The cost share is based on population.

At this time, Staff is evaluating how many businesses in our City would be assessed a fee based on the need for Visalia’s Hazardous Material Response Team to respond to an incident in their facility. This evaluating process should take a few weeks to determine. Once the number is established, this would dictate options of what an appropriate assessment fee might be and determine whether Council wishes to pursue this venture for revenue funding.

RECOMMENDATIONS: None - Information only.

Attachments: A-1: Cost-sharing Visalia Haz-Mat (Tulare County)
A-2: Cost-sharing Visalia Haz-Mat (Tulare and Kings County)
## Cost Sharing Visalia Haz Mat Program
**Cal Dept of Finance Population**
**Tulare County**

<table>
<thead>
<tr>
<th>Population</th>
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<th>Annual Cost Sharing Amount</th>
<th>Semi Annual Cost Sharing Amount</th>
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<tbody>
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## Cost Sharing Program Summary

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## Cost Sharing Visalia Haz Mat Program
### Cal Dept of Finance Population
#### Tulare and Kings County

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PUBLIC HEARING

SUBJECT: WATER CONSERVATION

SOURCE: Public Works Department - Field Services Division

COMMENT: At the May 4, 2010 City Council meeting, a public hearing was set for May 18, 2010, to consider moving into Phase II of the Water Conservation Plan.

The rainfall totals from 2006 to 2009 were below average. The summer months are approaching with typically higher consumption from our customers. As such, water conservation and awareness are a high priority. Media information, programs and participation by the community in the past have had a noticeable effect on the City's water consumption during peak usage months.

We are currently in Phase I of the City's Water Conservation Plan. Phase I encourage voluntary conservation such as the Voluntary Odd/Even Watering Program. In December 2009, Council directed staff to continue the voluntary program during the winter months to help install it as a permanent water conservation habit.

Phase II applies during periods when there is a water supply shortage, and the City pursues a more aggressive distribution of information to promote public awareness of the need to conserve water. Another aspect of Phase II is encouraging consumers to reduce water usage between the hours of 5 to 10 a.m. and 5 to 10 p.m.

Porterville has always been a community that promotes ideals, such as Water Awareness, in coordination with the California Water Awareness Campaign that was created as a result of the last major drought from 1987 to 1992. To help conserve our precious water resources, the City of Porterville designated May as Water Awareness Month. Programs educating our community on the need for water awareness and conservation through media campaign materials and water saving ideas promoted at the Porterville Fair will help remind the public of their responsibility to use this resource as efficiently as possible.

RECOMMENDATION: That the City Council approve moving into Phase II of the Water Conservation Plan.

ATTACHMENT: Water Conservation Plan

Item No. 12
WATER CONSERVATION PLAN

CITY OF PORTERVILLE
INCORPORATED MAY 7, 1902

APRIL 2009
WATER CONSERVATION PLAN

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PHASE II ................................................................................................................ 7
Applies during periods when there is a water supply shortage

PHASE III .................................................................................................................. 9
Applies during periods when there is a severe water supply shortage

REVISED BY:
John Lollis, City Manager
Baldomero S. Rodriguez, Public Works Director
Bryan B. Styles, Dep. Pub. Work Dir. / Field Services Manager
Richard Mulvihill, Water Utilities Superintendent
Jeff Friedman, Water Systems Specialist
Judith May, Clerical Assistant III
The City of Porterville water system is municipally-owned with more than 14,800 service connections, 99% of which are metered, serving a population of over 51,500, with approximately 1,100 service connections outside the city limits. Water supplies for the City system are produced entirely from groundwater underlying the City, which is recharged from rainfall and runoff of the Western Sierra Nevada. The major stream contributing to recharge of the Tule Basin Aquifer underlying Porterville is the Tule River.

Storage capacity represents over six million gallons within the distribution system and three hillside reservoirs, two with a capacity of three-million gallons and one with a capacity of three hundred thousand gallons.

A telemetry system controls the operation of 22 of the City's 35 active well pumps to maintain system pressure under varying loads. The water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system.

Water conservation and awareness have always been areas of concern for the Porterville community. Less than normal rainfall and runoff makes efforts to promote water conservation a high priority. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs when water supplies are conserved.

It is vitally important that the Water Conservation Plan be a joint partnership between the City and the General Public in order to achieve optimal effect. The Plan has been developed in three phases with each phase defined in terms of the available water supply:

- **Phase I**: Applies during periods when a normal water supply is available.
- **Phase II**: Applies during periods when there is a water supply shortage.
- **Phase III**: Applies during periods when there is a severe water supply shortage.

Actions within each phase have been defined as either actions to be undertaken by the City or by the General Public. Due to the number of variables which affect the water conditions in existence at any one point in time, a City staff analysis of those variables will be utilized in determining the transition of the City from one phase to a more (or less) stringent phase. At such time as staff determines that water supply conditions warrant a phase change, staff will present the request to the City Council for their approval.

This plan differs from other valley community plans because the City of Porterville is in a more favorable position of having almost all of its water customers metered, which allows the City to basically control the water conservation program.
CITY WATER SYSTEM

The City has always been diligent in its efforts to provide sufficient safe and affordable drinking water to the residents of the community. Water conservation has long been a permanent part of the City's water resource management program. Efforts to that end include:

NEW WELLS:

Over the past five years three new wells have been added to the City water system in order to serve the needs of the community. Two additional wells are planned for completion within the next few years.

TELEMETRY SYSTEM:

This system controls the operation of the well pumps to maintain system pressure under varying loads. Water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system. Water is usually pumped to the reservoirs during the off-peak usage hours for later use by consumers. This system was designed for use by the City's most efficient and productive wells with additional energy cost savings.

RESERVOIRS:

The City currently operates and maintains three hillside reservoirs - two (2) with a capacity of three-million-gallons and one (1) with a capacity of 305,000 gallons. The two largest reservoirs are usually filled during off-peak hours and then release water during the high usage hours. There is also a 300,000 gallon reservoir located at the Airport which is also part of the City system, the reservoirs increase the City's ability to maintain system pressure during peak demand and fire flow situations. Site acquisition has been accomplished for the City's third proposed three-million gallon reservoir.

METERIZATION PROGRAM:

With over 99% of all service connections metered, the City has a goal of 100% meterization. All new connections are required to have meters.

UTILITY BILLING NOTICE:

The City's computerized utility billing system provides consumers with their current and past water usage history for comparison purposes. While variations may be attributable to a change known to the consumer (ie; additional persons in the home, addition of a swimming pool), it may also be the result of an undetected leak or other controllable occurrence.
WATER AUDIT/LEAKAGE DETECTION & REPAIR PLAN:

The City will continue in its proactive plan to audit water supply usage. Upon detection of the source of any leakage, corrective action will be taken immediately in order to promote the efficient use of the existing water supply and in turn reduce the energy required to operate the system.

NEW WATER LINE TESTING:

The City requires full pressure and leak testing of all newly constructed water lines.

FIRE HYDRANT TESTING:

The City Fire Department schedules their annual fire hydrant testing program during the early spring and late fall to avoid the peak water use season. Such testing is required to maintain the integrity of the fire protection system.
PHASE I

Applies during periods when a normal water supply is available

The effectiveness of any voluntary plan ultimately depends on the public's awareness of the need for the plan. Local residents have a history of commitment to their community and support of the public welfare. It is a reliance upon this tradition that makes the distribution of public information the cornerstone of the City's Water Conservation Plan.

ACTIONS BY THE CITY:

I. Public information Program
   A. Distribution of suggestions for residential, commercial and industrial water conservation and awareness.
   B. Coordination of public information with the local news media.
   C. City participation in Water Awareness Month (May).
   D. Lawn and Landscape Watering Guides will be made available upon request.
   E. City staff will coordinate with local nurseries to compile a list of low-water using trees and plants. The list will be made available at City Hall, the Corporation Yard, and the Parks & Leisure Services Department for local residents.
   F. Coordination with local schools to encourage young people to become aware of local water issues and conditions.

II. Project Review Committee
   A. The City’s Project Review Committee (PRC) will include the evaluation of all submitted projects for water use and conservation efforts. The goal of City staff in cooperation with the developer will be to voluntarily reduce consumption of water used in the project.
   B. City staff will assist the developer in familiarization with the Xeriscape Concept, combining creative landscaping and efficient irrigation to save water and promote attractive alternatives to traditional, high-water use landscapes.
III. City Landscapes and Watering Schedules

A. City parks, median islands, and landscaped public facilities will be watered during late night or early morning hours to the greatest extent possible.

B. All new landscaping projects undertaken by the City will incorporate conservation design.

IV. Retrofit Bathroom Facilities

Water saving kits which contain toilet water conservation and low-flow shower head devices will be made available to City water consumers, both residential and commercial, upon request, as funds are available.

V. Fire Hydrant Testing

The City's fire hydrant testing program will be scheduled during non-peak water usage times to the greatest extent possible without impairing the integrity of the City's fire protection service.

ACTIONS BY THE GENERAL PUBLIC:

A. The general public will be encouraged to utilize those water conservation measures contained within the City's public information program.

B. Voluntary Odd/Even watering program is encouraged as follows:

1. No watering on Mondays

2. Addresses ending in an Odd number will water on Tuesday, Thursday and Saturday; and

3. Addresses ending in an Even number will water on Wednesday, Friday and Sunday.

C. Advise Public to turn off sprinklers on rainy days.
PHASE II

Applies during periods when there is a water supply shortage

When water supply conditions start to deteriorate it would be incumbent upon the City to implement mandatory water conservation provisions.

ACTIONS BY THE CITY:

I. Public Information Program

The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.

II. Water System Pressure Reduction

The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.

III. City Landscapes and Watering Schedules

All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.

IV. Leak Detection - Water Waste

The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.

V. Waste of Water Notices

City staff will be equipped to issue "Waste of Water" notices to consumers identified as misusing water.

VI. Voluntary Odd/Even Watering days

Increase Public education on program initiated from phase I

VII. Continuation of all Conservation programs from Phase I
ACTIONS BY THE GENERAL PUBLIC:

I. Conservation Efforts:

   The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.

II. Restaurants:

   Notices will be sent to all restaurants within the City limits requesting support of water conservation efforts by serving water to customers upon request only.

III. Lawn and Landscaping Watering:

   All residential, commercial and industrial landscape watering should be reduced to a minimum and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

IV. Vehicle Washing and Sidewalk Hosing:

   A. Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.

   B. Per Section 25-5 of the City Municipal Code, “The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them.”
PHASE III

Applies during periods when there is a severe water supply shortage

ACTIONS BY THE CITY:

I. Public Information Program:

   The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.

II. Rate Structure Enhancement:

   A 20% rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also

III. City Landscapes and Watering Schedules

   All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

IV. Continuation of all Conservation programs from Phases I and II in addition to Phase III regulations

ACTIONS BY THE GENERAL PUBLIC:

A. Landscape watering shall not be done between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

B. Sidewalk and driveway washing will be prohibited.
PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT 10-2008 TO ALLOW FOR AN EIGHTEEN (18) UNIT DUPLEX DEVELOPMENT ON THREE (3) ADJOINING PARCELS LOCATED AT 1492 AND 1482 WEST TOMAH AVENUE.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

HISTORY: On January 20, 2009, the City Council of the City of Porterville approved a conditional use permit to allow for the development of an eighteen (18) unit duplex development located at 1492 and 1482 West Tomah Avenue. Condition 39 of Resolution No. 08-2009 stated:

39. "The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year."

Due to the inactivity, within the one (1) year requirement, the Conditional Use Permit became null and void.

COMMENT: The applicant is requesting approval of a Conditional Use Permit to allow the development of the same eighteen (18) unit duplex development. The proposed development is designed with a twenty-five (25’) foot wide common concrete driveway, with eighteen (18) covered and fourteen (14) uncovered parking stalls. The stalls are laid out adjacent to the units facing the storage and laundry rooms. The development is proposing a six (6’) foot block wall along the rear and side yards with a four (4’) foot wrought iron fence fronting Tomah Avenue. The duplexes will only be accessible through the common driveway and automatic gate fence with knox box located at the entrance of the site.

The project will be developed in nine (9) phases, constructing one (1) duplex at a time until completion. The first phase will begin at 1492 West Tomah Avenue with utilities, fire hydrant and trash enclosure being installed (phase I of the phasing plan). There is an existing single family residential unit located on 1482 West Tomah Avenue. This residential unit will be maintained as per all applicable codes until phase IV of the project, when the single family residential unit is proposed to be demolished.

Based on extensive review by City Staff, the proposed project meets all Zoning Ordinance requirements for a multi-family residential development.
RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 10-2008 subject to conditions of approval.

ATTACHMENT: Complete Staff Report
APPLICANT: Hillman Building Designers
250 North Main Street
Porterville, CA 93257

PROPERTY OWNER: Spencer Trust
P.O. BOX 1572
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting approval of a Conditional Use Permit to allow the development of eighteen (18) unit duplex development on three (3) adjoining parcels located at 1492 and 1482 West Tomah Avenue.

SIZE OF PROPERTY: 1.29± acres

GENERAL PLAN CLASSIFICATION: Medium Density Residential

ZONING CLASSIFICATION: R-2 (Four Family Zone)

SURROUNDING ZONING AND LAND USE:
North: Medium Density Residential- R-2 (Four Family Zone)
West: Medium Density Residential- R-2
South: Medium Density Residential- R-2
East: Medium Density Residential- R-2

LEGAL NOTICES:

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Categorically exempt from CEQA</td>
<td>May 7, 2010</td>
<td>May 5, 2010</td>
</tr>
</tbody>
</table>
ENVIRONMENTAL SETTING:

Pursuant to section 15332 Class 32 (In-fill-Development-less than five acres), the proposed project is categorically exempt from the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of a Conditional Use Permit for an eighteen (18) unit duplex development on three (3) adjoining parcels located at 1492 and 1482 West Tomah Avenue. The proposed development will consist of a twenty-five (25') foot-wide common concrete driveway, with eighteen (18) covered and fourteen (14) uncovered parking stalls. Parking stalls are laid out adjacent to the units facing the storage and laundry rooms. The duplex development is proposing a six (6') foot block wall along the rear and side yards with a four (4') foot wrought iron fence fronting Tomah Avenue. The duplexes will only be accessible through the common driveway and automatic gate fence with knox box located at the entrance of the site. Each parcel will contain a trash enclosure with a stucco finish to match the duplexes. Each unit will have a private storage area, a laundry room, a fenced-in rear yard with side yard access and common shared landscaped open space. The architectural features include stucco exterior walls, varied wall planes, and trim.

The proposed development is located in the R-2 (Four Family Residential) Zone. The construction of the development will be developed in nine (9) phases, constructing one (1) duplex at a time until completion. The development will begin at 1492 West Tomah Avenue with the first set of duplexes, utilities, fire hydrant and trash enclosure (phase I of the phasing plan). There is an existing single family residential unit located on 1482 West Tomah Avenue. This residential unit will be maintained as per all applicable codes until phase IV of the project, when the single family residential unit is proposed to be demolished.

Due to the concerns that the Project Review Committee had, it was recommended that a master plan be prepared showing phasing, lot line adjustment, access easement and utilities to best condition the phased development. This was also due to possible future changes proposed for multiple family residential uses and any revisions to the California Building Code 2007. The Master Plan addressed this issue by labeling each phase of the development.

Pursuant to Section 301 A-2 (R-2 Zoning) of the Porterville Zoning Ordinance, two (2) to four (4) family units per lot are allowed. Additional units may be allowed subject to the approval of the Conditional Permit, provided the maximum number of units do not exceed a ratio of one (1) unit per three thousand (3,000) square feet of lot area. Based on the 1.29 combined acreage of the three adjoining parcels 18.74 units are allowed.

The square footage of area for the front parcel allows for 5.59 units based on one (1) unit per every 3000 square feet. The site plan indicates that six (6) units are proposed. Pursuant to Section 3001 B-5(b) of the Porterville Zoning Ordinance, the Zoning Administrator has the authority to round this number up to the next whole number.
RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 10-2008, subject to the conditions of approval

ATTACHMENTS:

1. Locator Map / 300’ Radius Map
2. Draft Resolution with Exhibits

Fernando Rios
Project Planner

May 18, 2010
Date
RESOLUTION NO.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 10-2008 TO ALLOW FOR AN EIGHTEEN (18) UNIT
DUPLEX DEVELOPMENT ON THREE (3) ADJOINING PARCELS LOCATED AT 1492
AND 1482 WEST TOMAH AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of May 18, 2010, conducted a public hearing to consider Conditional Use Permit 10-
2008, to allow for development of an eighteen (18) unit multi-family duplex development on
three (3) adjoining parcels located at 1492 and 1482 West Tomah Avenue; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 of
the CEQA Guidelines: construction of infill-development; and

WHEREAS: Under the Permit Streamlining Act (Section 65950) of the Government
Code), the City has 60 days from the date the project was accepted as complete to reach a
determination regarding this project; and

WHEREAS: The City Council made the following findings with respect to the subject
project:

1. That General Plan designates the subject site as Medium Density Residential.

2. That subject site is zoned R-2 (Four Family Residential) and the proposed use is
allowed pursuant to approval of a Conditional Use Permit.

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

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

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

6. That storage of hazardous materials other than what is utilized by residential
households will be prohibited.

7. That the standard of population density, site area dimension, site coverage, yard
spaces, height of structures, distance between structures, covered parking, and
landscaping areas will produce an environmental of stable and desirable character
consistent with the objectives of the Zoning Ordinance.

8. The proposed project meets all the requirements, to include on site parking, lot
coverage, number of units allowed and landscaping required in the R-2 Zone set
forth by Section 300 of the Zoning Ordinance. Additionally, conditions of
approval will ensure adequate development standards are met.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 10-2008, subject to the following Conditions:

1. The project shall be constructed to be consistent with the approved phasing, utility, site plan, floor plans, and architectural rendering attached hereto as Exhibits A to G.

2. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

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


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

6. The developer/applicant shall comply with Appendix J, “Grading” of the 2007 California Building Code by providing a soils engineering report and a grading and drainage plan signed by a civil engineer or architect.

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


9. Developer/applicant shall construct water and sewer mains per City Standard and Specifications in the access easement across the frontage of all parcels to be developed. City services shall extend from these mains to each parcel fronting the access easement. The water mains shall be maintained by the City of Porterville. Sewer mains serving more than one parcel shall also be maintained by the City of Porterville.

10. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.
11. The developer/applicant shall construct street paving (half-street, if necessary to match existing grades), curb, gutter, sidewalk, etc. along the full frontage of Tomah Avenue except where they exist and are in good condition in the opinion of the City Engineer.

12. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Lot Line Adjustment that will adjust property lines to meet the requirements of all applicable codes and to meet the orderly development of phased project. An access easement shall be clearly identified within the legal description and shown on the map. The owner shall convey easements to the City of Porterville for the water main required for fire flow and sewer mains serving more than one parcel, both of which shall be constructed within the access easement. The following information is required at the time of submittal:

- Three copies of a Map and Legal Descriptions
- Processing fee in the amount of $616.
- Adequate title information (deed, etc.) to verify current ownership and the method of creation of the effected parcels.

13. The Lot Line Adjustment and related sewer, water and access easements shall be approved prior to the issuance of a building permit.

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

15. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer.

16. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

17. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the Tulare County Environmental Health Department, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

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

19. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).

20. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants. The locations of fire hydrants shall be shown on the site plan.

21. The developer/applicant shall install all required refuse container enclosures on each parcel according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container locations require refuse trucks to travel on the parking lot. The enclosure openings shall be oriented to allow for direct pickup of the refuse.

22. Temporary turn-around shall be a component of the phased development as required for refuse service. Developer/applicant shall have the option to utilize trash can service for phase one through phase three, therefore postponing the need for a temporary turn around for proposed Lot 1 (phase one through phase three) Bin service will commence upon development of phase four and shall continue for each lot or partially developed lot thereafter.

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

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

25. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking
26. The project must comply with latest local, state and federal regulations and applicable codes.

27. Based on the occupancy classification, any permit pulled after January 2011 an automatic sprinkler system will be required per 2010 California Residential Code.

28. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

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

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

31. Fire hydrant spacing shall be as follows:

   In Residential development, one hydrant shall be installed at 500-foot intervals.
   Or as required by Appendix C California Fire Code.

32. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved onto or within the City of Porterville. It shall extend to within 150 feet of all portions of the facility ad all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

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

34. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code. The present fire flow in the area is presently inadequate. Flow from the nearest hydrant is 740 GPM with 24 pounds residual. An analysis will be required from a licensed Engineer to show the required fire flow can be met.

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

36. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
37. A Knox over ride switch will be required on the entrance gate. An application may be obtained from the Fire Department.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By __________________________

Patrice Hildreth, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: CITY OF PORTERVILLE 2009-2014 HOUSING ELEMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City’s most recent Housing Element was adopted by the City Council in 2004 and subsequently certified by the California Department of Housing and Community Development (HCD). As required under California Government Code Section 65580-65590.8, the City was under the mandate to update and adopt a revised Housing Element for submission to HCD by August 31, 2009. The City did meet the deadlines to submit the draft Housing Element. However, due to the length of time taken by HCD to review the Housing Element and the subsequent revisions, plus the time required for adequate public noticing, the final draft Housing Element was delayed for adoption.

As a component of the General Plan, the Housing Element has two main purposes: (1) to provide an assessment of current and future housing needs and an inventory of resources and constraints to meeting these needs; and, (2) to state the City’s goals, objectives, and strategies for the development of housing to meet identified needs including the need for housing affordable to lower-income households. The Housing Element is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community for the next five years.

To assist with the development of the Housing Element, a contract was awarded to Veronica Tam & Associates (VTA) in August of 2008. Utilizing the tools of the community housing surveys, the public workshop forums, the housing condition survey, the data compilation for the community housing needs assessment, and working with VTA, staff developed the draft Housing Element for 2009-2010. Upon the recommendation of staff, the City Council approved the draft Housing Element for submittal to HCD on March 3, 2009.

HCD reviewed the draft Housing Element and through written and verbal discussion with staff and VTA, requested revisions and supplemental material. Staff and VTA, revised the draft Housing Element to address the State’s concerns. The City received correspondence from HCD dated May 10, 2010, stating that the element will be in full compliance once adopted by the City Council and submitted for review pursuant to Government Code Section 65585(g).
Pursuant to the State of California Public Resources Code and the Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended to date, the City conducted an environmental review of the Draft Housing Element. The City has determined that there will be no significant impacts resulting from the policies set forth in the Housing Element and has prepared an Initial Study/Negative Declaration which was sent to interested agencies for comment and noticed for a twenty day public comment period beginning April 10, 2010 and ending April 30, 2010. No Comments were received.

RECOMMENDATION: That the City Council:

1. Adopt the Draft Resolution approving the Negative Declaration for the 2009-2014 Housing Element; and


Attachment: 1. Draft Resolution for Adopting Negative Declaration
2. Initial Study/Negative Declaration
3. Draft Resolution Adopting the Final Draft 2009-2014 Housing Element
4. Final Draft 2009-2014 Housing Element on CD
5. HCD Correspondence of May 10, 2010
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE 2009-2014 HOUSING ELEMENT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 20, 2010, opened a public hearing to consider adopting the 2009-2014 Housing Element of the General Plan. The meeting was continued to allow for the Department of Housing and Community Development to complete its review of the City’s Draft Housing Element; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 4, 2010, again continued the public hearing to consider adopting the 2009-2014 Housing Element of the General Plan. The meeting was continued to allow additional time for the Department of Housing and Community Development to complete its review of the City’s Draft Housing Element; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2010, held the public hearing to consider adopting the 2009-2014 Housing Element of the General Plan; and

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

2. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

3. That the subject General Plan Amendment will not create adverse environmental impacts.

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

5. That the Negative Declaration prepared for this project was made available for public review and comment. No comments were received.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would result from implementation of the Housing Element.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.
8. That the proposed action will result in no negative impact on the quality of the human environment.

9. That the Environmental Assessment prepared for the proposed project was made available for public review and comment (Attachment 2).

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for 2009-2014 Housing Element of the General Plan.

________________________
Pete V. McCraken, Mayor

ATTEST:

John Lollis, City Clerk

By: _______________________
   Patrice Hildreth, Chief Deputy City Clerk
NEGATIVE DECLARATION
CITY OF PORTERVILLE
2009-2014

Lead Agency: City of Porterville
Mailing Address: Community Development Department, 291 N. Main Street, Porterville, Ca 93257
Project Location: City of Porterville

Project Description:

The project is the adoption and implementation of the 2009-2014 Housing Element for the City of Porterville. State law requires housing element to be updated to reflect a community's changing needs. The proposed updated Housing Element covers the 2009-2014 period. (The data and analysis contained in the Element encompasses yeats 2009-2014 to reflect the legislative extensions of housing element laws.)

The California Department of Housing and Community Development (HCD) develops statewide projections of housing need and assigns a portion to each regional council of government (COG). For Tulare County, the Tulare County Association of Governments (TCAG) apportions the regional share to jurisdictions and unincorporated areas. In 2008, TCAG developed the Regional Housing Needs Assessment allocation for the 2007-2014 planning period. The City's share of regional housing needs for the planning period totals 5,473 total units. Since 2007, 3,228 have been developed, approved, or under construction, including 2,115 single family homes and 617 multi-family units.

Jurisdictions are required to develop policies and programs to facilitate and encourage the development of housing commensurate with their housing goals. To that end, the Housing Element identifies and the programs and policies within identify sites where housing could be developed in accordance with the land use designations and zoning districts set forth in the City of Porterville General Plan. These sites can accommodate housing needs for very-low, low-, moderate-, and above-moderate income housing.

The Housing Element does not directly provide for housing construction. The Element contains policies that may facilitate development of housing, particularly for lower-income households. In addition, the Housing Element contains policies and programs to improve deteriorated housing and preserve assisted affordable housing at risk of conversion to market-rate units. The Housing Element does not propose new housing beyond that anticipated in the current General Plan for the City of Porterville. The environmental effects associated with full implementation of General Plan Land Use Policy, including full development, have been evaluated in the Environmental Impact Report for the City of Porterville General Plan, incorporated herein by reference.

The Housing Element for the City of Porterville is comprised of the following components:

1. Introduction – Context, Authorization, and Organization
2. Housing Needs Assessment
3. Housing Constraints
4. Housing Resources
5. An Evaluation of the 2003 Housing Element Accomplishments
6. Housing Plan – Goals and Policies
FINDING

The City of Porterville has determined that the proposed project has no potential to result in significant adverse environmental impacts based on the information and analysis contained in the attached initial study.
City of Porterville

Environmental Checklist Form

1. Project title: City of Porterville, 2009-2014 Housing Element

2. Lead agency name and address: City of Porterville
   291 N. Main Street
   Porterville, CA 93257

3. Contact person and phone number: Bradley D. Dunlap

4. Project location: City of Porterville

5. Project sponsor's name and address: Same as Lead Agency

6. General plan designation: All designations

7. Zoning: All Zoning Districts

8. Description of project:
   The project is the adoption and implementation of the 2009-2014 Housing Element for the City of Porterville. State law requires housing elements to be updated to reflect a community's changing needs. The proposed updated Housing Element covers the 2009-2014 period. (The data and analysis contained in the Element encompasses years 2009-2009-2014 to reflect legislative extensions to housing element law.)

   The California Department of Housing and Community Development (HCD) develops statewide projections of housing need and assigns a portion to each regional council of government (COG). For Tulare County, the Tulare County Association of Governments (TCAG) apportions the regional share to jurisdictions and unincorporated areas. In 2008, TCAG developed the Regional Housing Needs Assessment allocation for the 2007-2014 planning period. The City's share of regional housing needs for the planning period totals 5,473 total units. Since 2007, 3,228 have been developed, approved, or under construction, including 2,115 single family homes and 617 multi-family units.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Department of Housing and Community Development
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact as indicated by the checklist on the following pages.

☐ Aesthetics  ☐ Agriculture Resources  ☐ Air Quality
☐ Biological Resources  ☐ Cultural Resources  ☐ Geology/Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology/Water Quality  ☐ Land Use / Planning
☐ Mineral Resources  ☐ Noise  ☐ Population/Housing
☐ Public Services  ☐ Recreation  ☐ Transportation/Traffic
☐ Utilities / Service Systems  ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature
Bradley D. Dunlap, Community Development Director, AICP
Printed name

Date 4/12/10
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
a) the significance criteria or threshold, if any, used to evaluate each question; and
b) the mitigation measure identified, if any, to reduce the impact to less than
significance
I. **AESTHETICS** -- Would the project:

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<td>a)</td>
<td>Have a substantial adverse effect on a scenic vista?</td>
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<td>b)</td>
<td>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<td>c)</td>
<td>Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<td>d)</td>
<td>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
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**Responses:**

a through d. No state scenic highways designated by the California Department of Transportation traverse Tulare County. However, the Tule River Floodway and Porter Slough are two important scenic resources to the City of Porterville. The City also designates lands above the 1,200-foot contour line as a permanent open space as a means of preserving natural and scenic resources. No housing sites identified in the Housing Element are located in these areas of local scenic importance.

The Housing Element identifies potential sites that can accommodate Porterville’s allocation in the regional housing needs for very-low, low, and moderate income housing. All the future development facilitated by the Element will be in accordance with the City of Porterville General Plan land use policies, implemented through zoning regulations. Existing housing development standards regarding height, setback, design, and lighting set forth in zoning code will regulate future housing development. Housing facilitated by the Housing Element will be subject to these development standards, which are intended to foster land use compatibility in terms of building massing and scale. Compliance with existing regulations and requirements will result in a less than significant impact.

New housing will introduce new sources of light (street lights, security lighting, etc.). However, given that new development will primarily occur as infill development where such lighting currently exists, impact will be less than significant.
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? □ □ □ ✗

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? □ □ □ ✗

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? □ □ □ ✗

Responses:

a through c. Agriculture in the Porterville area includes citrus, olives, alfalfa, truck crops, and cotton. Agriculture is one of the biggest industries in Porterville. Some of the land used for agriculture purposes has been reserved for long-term agricultural use by means of Williamson Act contracts.

No sites identified in the Housing Element are located on sites zoned for agricultural use. Thus, the City’s regional housing needs allocation can be accommodated within the existing vacant and underutilized residential sites; The Housing Element will not result in the conversion of agricultural land to non-agricultural uses.
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

d) Expose sensitive receptors to substantial pollutant concentrations?

e) Create objectionable odors affecting a substantial number of people?

Response:

a. The Tulare County Association of Governments (TCAG), in conjunction with local jurisdictions, has developed a Regional Housing Needs Assessment (RHNA) Plan for the years 2007-2014. The region's Air Quality Management Plan (AQMP) is based on TCAG's population projections. The Housing Element identifies the City's strategy to accommodate the growth anticipated by TCAG and assumed in the current AQMP. No impact will result.

b. Through d. Tulare County is located within the San Joaquin Valley Air Basin, which is comprised of eight counties in Central California and is monitored by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The Basin is a non-attainment area for State ozone and fine particulate matter (PM10) standards.

The Housing Element sets forth policies to facilitate housing development consistent with established land use policies. The Housing Element does not propose development beyond that which is already anticipated at buildout of the City of Porterville General Plan. Air quality impacts from increased vehicle trips associated with buildout were analyzed in the General Plan EIR. No new impact will result from implementation of the Housing Element.

e. Development resulting from Housing Element implementation will be residential units, which typically are not associated with creation of objectionable odors. No adverse impact will result.
IV. BIOLOGICAL RESOURCES -- Would the project:

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<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</td>
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<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
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<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
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<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
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Response:

a through d. Vegetation in the Porterville Planning Area is dominated by agricultural crops, open grasslands, and urban ornamental landscaping. According to the California Fish and Game’s California Natural Diversity Data Base, four plant species have been identified in the Planning Area which are presumed extinct, are rare or endangered, or are recommended for special protection by the California Native Plant Society. Including Keck’s checkermallow (Sidalcea Keckii), calico monkey flower (Mimulus pictus), striped adobe lily (Fritillaria striata), and Tulare River Channel, where use is restricted to open space and recreational uses.

As a result of intensive human activities on the valley floor, the distribution of wildlife in the Porterville Planning Area is somewhat limited. The uncultivated hillsides in the northeastern portion of the City and riparian growth along the Tule River represent the most important wildlife habitats in the immediate vicinity. Sensitive wildlife species in Porterville include the California condor, southern bald eagle, San Joaquin kit fox, Valley elderberry longhorned beetle, and giant garter snake.

The Housing Element provides for housing production consistent with adopted land use plans, analyzed in prior environmental documentation. Individual housing development projects will be required to assess
V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

Response:

a Four sites in Porterville are listed on the National Register of Historic Places: First Congressional Church (165 E. Mill Street), Tenalu (address restricted), US Post Office–Porterville–Main (65 W. Mill Avenue), and Zalud House (393 N. Hockett Street). In addition to these places, the California Office of Historic Preservation lists the First Tule River Indian Reservation in Porterville on the List of Historic Landmarks. In June 1986, the City completed an inventory of significant historic and cultural resources within the City. The inventory identified 10 historic districts (neighborhoods) by known landmarks. The City’s inventory also includes 337 individual residences and 89 “special” structures sites. The Housing Element does not contain any policy or program that would result in the alteration of these resources. All individual development projects will be required to comply with applicable regulations and standards regarding the protection and preservation of historic resources. Impact will be less than significant.

b. The Porterville area is considered a highly sensitive archaeological region, primarily because of the relationship of prehistoric Indian activities and settlement on the Tule River. According to the Archaeological Inventory Southern San Joaquin Valley Information Center, the City and surrounding area were formerly occupied by the Koyote Indians, a sub-tribe of the Yokuts. The Koyote’s principal village was situated on Murray Hill. Artifacts documentation the Indians, historic presence in the area have been found, including bedrock mortars and arrowheads. Other areas in Porterville that have been in surveyed include the River Ranch, Saddleback Estates, Corona Heights, Western Skies, Foxridge and Grandview subdivisions, the Rocky Hill retention basin, the Santa Fe Plaza senior housing project, and the Westfield Avenue and State 65 overpass site. The Housing Element provides for housing production consistent with adopted land use plans, as analyzed in prior environmental documentation. However, since housing development pursuant to adoption and implementation of the Housing Element could occur in these areas, individual housing development projects will be required to assess potential impacts to archaeological resources pursuant to CEQA and associated local, State, and federal regulations; potential impacts will be mitigated to a less than significant level prior to project approval.

c and d. In the event that potential paleontological resources are uncovered during the construction of individual development projects, construction will halt while a qualified archaeologist evaluates the find and makes recommendations pursuant to CEQA Guidelines Section 15064.5 (c). Similarly, if human remains are uncovered, work will halt to allow a qualified archaeologist, coroner, and/or Native American representative the opportunity to evaluate the find and make recommendations pursuant to CEQA Section15604.5 (a). Compliance with these standards will ensure a less than significant impact.
VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
   ii) Strong seismic ground shaking?
   iii) Seismic-related ground failure, including liquefaction?
   iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Response:

a through e. No known fault zone traverses Porterville, including any Alquist-Priolo earthquake fault zone. Localized and general faults are distributed throughout the Sierra Nevada mountain range to the east and in the coastal mountain range approximately 85 miles west of Porterville. The intersection of two mountain ranges approximately 95 miles west of Porterville. The intersection of two mountain ranges about 90 miles south of Porterville near the Fort Tejon-Lebec area is one of the most seismically active locations in the region because it marks the intersections of Garlock, White Wolf, and San Andreas faults. Given the absence of localized faults, surface rupture is not anticipated in Porterville, although seismic groundshaking during an earthquake event could occur as a result of regional fault activity.

Areas of fracturing and steep slopes with inadequate ground cover in the foothill and mountain areas are prone to landslides. No portions of Porterville are susceptible to landslides.

Each housing development proposed pursuant to adoption and implementation of the Housing Element will comply with all applicable City development review procedures and will be constructed in accordance with the Uniform Building Code seismic safety standards. Compliance with these existing regulation will ensure that impact will be less than significant. Furthermore, the Housing Element sets forth programs and policies to facilitate housing rehabilitation and, therefore, has the potential to improve the structural stability of older housing units in Porterville.
### VII. HAZARDS AND HAZARDOUS MATERIALS

**Would the project:**

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
  
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- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
  
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- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
  
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- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
  
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- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
  
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- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
  
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- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
  
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- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
  
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**Response:**

a through d. None of the sites identified in the Housing Element is listed on the Environmental Protection Agency's CERCLIS Hazardous Waste Sites List or Superfund Sites List (http://cfpub.epa.gov/superpad/cersites/) nor the California Department of Toxic Substances Control Hazardous Waste and Substances Sites List (Cortese List) (www.dtsc.ca.gov/database/calsites/cortese_list.cfm). Therefore, no known hazardous materials are present on any of the potential housing sites. Typically, housing does not generate hazardous emissions, nor does housing involve the routine use, transport, or disposal of hazardous materials. No adverse impact will result.
The Porterville Municipal Airport is located in the southern part of the City. The airport is used primarily by small craft for agricultural purposes. Implementation of the Housing Element will not result in a safety hazard for people working near the airport due to the required compliance with existing General Plan and zoning regulations, Federal Aviation Administration (FAA) requirements, and the airport land use plan, by any development in proximity to this airport. Such regulations prohibit or restrict housing development within identified safety zones. No significant impact will result.

g. Adoption and implementation of the Housing Element will not impair implementation of an adopted emergency response plan. The Housing Element encourages enforcement of the Uniform Building Code and Uniform Housing Code to ensure safe conditions in the existing housing stock. No adverse impact will result.

h. Wildlife fires can occur from a combination of climactic, vegetation, and physiographic factors. Summers in the Porterville area are hot, dry, and nearly cloudless. The fire season has over 100 days of temperature in excess of 90 degrees Fahrenheit each year. Natural vegetation within Porterville consists largely of annual grasses especially along the Tule River, which cuts through the southern portion of the City running east to west. This vegetation is dry from late spring to early fall and poses a fire hazard to all residential, commercial, and industrial property near and/or surrounding the area. The City also identifies fire hazard zones in the north and northeastern portion of Porterville, where some potential housing sites have been identified. The effects of wildland fire hazards on individual developments are required to be analyzed at the project level. All individual development projects will be required to comply with applicable wildland fire regulations and the Uniform Fire Code. Compliance with these standards will ensure a less than significant impact.
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f) Otherwise substantially degrade water quality?

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

j) Inundation by seiche, tsunami, or mudflow?

Response:

a) The Housing Element does not propose development beyond the levels allowed in the Porterville General Plan. Therefore, adoption and implementation of the Housing Element will not result in an increased amount of impermeable surfaces and the amount of stormwater runoff generated beyond that already anticipated.
The quality of stormwater runoff is regulated under the National Pollution Discharge Elimination System (NPDES). The NPDES stormwater permit provides a mechanism for monitoring the discharge of pollutants and for establishing appropriate controls to minimize the entrance of such pollutants into stormwater runoff. All projects must comply with Regional Water Quality Control Board (RWQCB) waste discharge requirements. Compliance with the requirements of RWQCB and local regulations will ensure that no significant impact with respect to water quality will result. Implementation of stormwater runoff best management practices (BMPs), the provision of adequate storm drains, and the inclusion of significant landscaping will limit surface runoff to a less than significant level.

b) The Porterville area is underlain by an unconfined aquifer that is part of the Tule Sub-Basin of the San Joaquin Valley Watershed. The source of recharge of the Tule Sub-Basin is the Tule River, which has a mean annual runoff of 136,000 acre feet. According to the City’s Water Master Plan, Porterville currently extracts its water supply from groundwater via 23 active wells, 10 available non-active wells, and 4 standby wells. Most of these wells are gravel packed and range from 230 to 700 feet in depth. The total capacity based of the existing supply wells is approximately 13,845 gallons per minute (gpm). The Water System Master Plan estimates that the City will need a supply of approximately 17,000 gpm in 2015 to meet projected demand and provide the appropriate amount of standby capacity. Any new housing development facilitated by the Housing Element will proceed in compliance with the Water System Master Plan. Overdraft conditions have occurred in the past resulting from agriculture irrigation; according to the Land Use, Open Space, Conservation, and Safety Elements of the General Plan. Urban development is expected to alleviate this condition. Impact will be less than significant.

c through f. Storm water drainage in Porterville is accomplished through a combination of surface and subsurface drainage facilities. The Housing Element provides for a variety of housing opportunities, including a focused rezone program, to satisfy the City’s allocation of regional housing needs. The Housing Element does not propose Housing beyond that anticipated in the General Plan. During the review of proposed individual development projects, the City will assess drainage conditions pertaining to the project site and require construction of drainage infrastructure. The City also assess the potential of the project to affect on-site drainage and requires mitigation measures where needed. Compliance with these regulations will ensure a less than significant impact.

g through i. Two surface waterways, the Tule River and Porter Slough, branch off from the Tule in the eastern portion of the City and flow east to west through the City. Portions of Porterville, including low-lying areas in the valley and along the Tule River, are within the 100-year flood zone and are still susceptible to seasonal flood water inundation. Therefore, the City does not permit development in the floodplain without adequate mitigation. Furthermore, the Tule River channel is designated as Open Space. All new development proposals pursuant to implementation of the Housing Element will be required to comply with the City’s development review process and determine the potential hazard from flooding. Where necessary, those development projects will be required to implement mitigation measures. Compliance with these existing regulations will ensure a less than significant impact.

Success Dam, constructed on the Tule River in 1961, regulates flood flows and has largely eliminated severe flood hazard to Porterville. The Success Dam, whose reservoir, when full holds 80,000 acre feet of water, is located approximately two miles east of Porterville’s Urban Area Boundary. Large portions of Porterville could be inundated in the event of a 250-year storm that ruptures the dam, particularly western Porterville and areas along the Tule River and Porter Slough. Impact will be less than significant.

j. Sieches are not of great concern in Tulare County because the largest recorded seismicly induces wave heights were 1.2 feet. In addition, the effects from a sieche would be similar to the flood hazard for Porterville and the risk of occurrence is perceived as being considerably less than risk of flooding. Since Porterville is located inland, no risk of tsunami exists. Impact will be less than significant.
IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Response:

a through c. The Housing Element and Focused Rezone Program identifies potential sites that could accommodate the City's allocation of regional housing needs for very-low, low, and moderate-income housing. All future development facilitated by the Housing Element will be in accordance with the General Plan. No housing growth beyond that already planned will occur. Therefore, the Housing Element will not conflict with existing General Plan goals and policies. New Development pursuant to the Housing Element will comply with any applicable habitat conservation plans and natural community conservation plans. No adverse impact will result.
X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?  
   - [ ] Potentially Significant Impact  
   - [ ] Less than Significant Impact
   - [X] With Mitigation Incorporation
   - [ ] No Impact

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?  
   - [ ] Potentially Significant Impact  
   - [ ] Less than Significant Impact
   - [X] With Mitigation Incorporation
   - [ ] No Impact

**Response:**

a and b. The Porterville urban area is surrounded by various mineral resources, including relatively high quality construction-grade sand and gravel deposits found within the Tule River floodplain. This resource, however, is not mined in quantity today. Therefore, impact will be less than significant.
XI. NOISE -- Would the project result in:

<table>
<thead>
<tr>
<th>b) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tr>
<th>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<th>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<th>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<th>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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**Response:**

a through d. *All development facilitated by the Housing Element must comply with existing local noise regulations and State Health and Safety Standards. Short-term intermittent noise impacts will result from construction activities associated with new housing development. These impacts will be regulated according to the City’s noise ordinance at the time a specific construction project is proposed. Long-term noise impacts will result from increased vehicular traffic on roadways. However, the Housing Element does not propose new development beyond that anticipated in the General Plan. Impact will be less than significant.*

e and f. *The Porterville Municipal Airport is located in the southern part of the City. Development by the Housing Element will occur in areas designated for residential uses in the General Plan. Development in accordance with the General Plan will ensure that new housing will not be significantly impacted by aircraft noise and will be located in noise-compliant areas. No adverse impact will result.*
### XII. POPULATION AND HOUSING

Would the project:

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<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
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a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Response:**

*a. The Housing Element considers additional housing opportunities in Porterville within the limits of the established policies set forth in the General Plan Land Use Element. Adoption and implementation of the Housing Element will not alter the location, distribution, density, or growth rate of the City's population beyond that already anticipated in the General Plan. No adverse impact will result.*

*b and c. The Housing Element contains programs and policies to address the City's future housing needs by encouraging housing that provides diversity in type and price. None of the Housing Element policies and programs could displace either substantial numbers of existing housing or persons. No adverse impact will result.*
XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection?
- Police protection?
- Schools?
- Parks?
- Other public facilities?

Response:

a. The Housing Element does not propose development beyond that anticipated in the General Plan. Implementation of the Housing Element will not require additional public services beyond those anticipated in the General Plan. Each new development pursuant to the Housing Element will be required to pay all applicable development fees to support additional public services as the demand for those public services increases with population growth. No significant impact will result.
XIV. RECREATION --

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<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
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a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Response:

a and b. Porterville has 7 City parks and one 9-hole golf course. In addition to the City parks and other facilities, residents have access to approximately 340 acres of public recreational open space that is not under the direct control of the City. These areas include the lands and facilities at Porterville Junior College, Monache and Porterville High Schools, and the playing fields and facilities of several elementary and junior high schools within the Burton and Porterville School Districts.

The Housing Element identifies programs and policies to meet the City's allocation of regional housing needs for all income levels. Future development will occur at sites designated for residential uses. Furthermore, the Housing Element does not propose new development beyond that anticipated in the General Plan. The General Plan provides for parks and other recreational facilities to serve existing and future residents of these jurisdictions. Thus, no construction of new park facilities or substantial improvements of the Housing Element. Consistent with City regulations, wither park space will be provided, in-lieu fees paid, or other arrangements made to satisfy park provision policies and standards. No adverse impacts will result.
**XV. TRANSPORTATION/TRAFFIC -- Would the project:**

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<th>Potential Impact</th>
<th>Less than Significant Impact</th>
<th>Less than Significant Mitigation Incorporation</th>
<th>No Impact</th>
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a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Response:**

a and b. Adoption and implementation of the Housing Element will not result in development or growth beyond that anticipated in the General Plan. The Housing Element identifies potential sites to accommodate the City's allocation of regional housing needs to provide a variety of type and price of housing opportunities. Development of these housing sites will proceed in compliance with applicable regulations, including project-specific traffic studies that identify the specific traffic improvements needed and compliance with the General Plan Circulation Element. Compliance with these existing requirements will ensure that impacts will be less than significant.

c) Development facilitated by the Housing Element will not interfere with air traffic, as building height is limited by zoning regulations, and the locations of housing is limited to areas designated for residential uses in the General Plan. Compliance with existing regulations will ensure that no adverse impact will result.

d and e. Adoption and implementation of the Housing Element does not involve any roadway construction. Therefore, the Housing Element will not increase hazards due to a design feature. Development facilitated by the Housing Element is subject to City standards and Fire Department Standards, which require emergency access provisions. Compliance with existing requirements will ensure that adequate emergency access will be provided for by each housing development facilitated by the Housing Element. No adverse impact will result.

f. Parking standards set forth in the zoning code will be applied to each new housing development. Compliance with existing requirements will ensure that no adverse impact with respect to parking will result.
g. The Housing Element does not contain any transportation-related programs or policies. The housing policies and programs in the Housing Element do not conflict with the City's Circulation Element policies supporting alternative transportation. No adverse impact will result.
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Response:

a, b, and e. Residents within the incorporated City Limits are provided with community sewer service by the City. The City's sewage collection system consists of approximately 150 miles of 6-inch through 36-inch diameter sewers, and includes 18-inch sewage lift stations and associated forces mains. Residents outside of the City limits are served either by on-site septic treatment systems or by the Porter Vista Public Utility District. Average wastewater flows at the wastewater treatment systems are approximately 4.82 million gallons per day (gpd). According to the Sewer System Master Plan, the existing wastewater system is sufficient to meet current demand but improvements will be required to accommodate future projected population growth. The City's Sewer Master Plan identifies improvements to increase capacity to accommodate the projected 2015 population.

c. As discussed in section VIII(c) above, each new housing development will be required to provide all necessary on-site drainage improvements. Impacts will be less than significant.

d. According to the City's Water System Master Plan, Porterville currently extracts its water supply from groundwater aquifers via 23 active wells, 10 available non-active wells, and 4 standby wells. Most of these wells are gravel-packed and range from 230-700 feet in depth. The total capacity based on the existing supply wells is approximately 13,845 gallons per minute (gpm). The Water System Master Plan estimates
that the City will need a supply of approximately 17,000 gpm in 2015 to meet project demand and provide the appropriate amount of standby capacity. Any new housing development facilitated by Housing Element programs and policies will proceed in accordance with the Porterville General Plan and the City's Water System Master Plan. Sufficient water supply exists or is planned for to meet demand to 2015 where potential housing sites are identified. No significant impact will result.

f and g. All development facilitated by the Housing Element will comply with existing City, State, and federal statutes regarding waste disposal, including source reduction programs pursuant to the California Integrated Waste Management Act. Each housing development facilitated by the Housing Element will participate in the City’s recycling program and comply with all other regulations related to waste reduction. No adverse impact will result.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

a. Development facilitated by the Housing Element will comply with all applicable local, State, and federal regulations regarding the protection of endangered species and sensitive habitats. Designated historic resources are protect under local, State, and federal ordinances, and will not be affected by adoption and implementation of the Housing Element. No adverse impact will result.

b. The housing Element has been prepared using regional growth forecasts developed by the Tulare County Association of Governments (TCAG) and is consistent with the General Plan Land Use Policies of the City of Porterville. No growth beyond that anticipated in the General Plan will occur as a result of adoption and implementation of the Housing Element. Programs and policies in the Housing Element will have the beneficial effect of improving the condition of the existing housing stock. No adverse cumulative impact will result from the Housing Element.

c. The Housing Element focuses on providing safe and affordable housing for all residents in Porterville. Programs and policies in the Housing Element seek to preserve and improve the existing housing stock and provide adequate sites for the construction of new housing in order to meet the City's share of regional housing need. Therefore, implementation of the Housing Element will have a beneficial effect; no adverse impact will result.
RESOLUTION NO._________

A RESOLUTION OF THE CITY OF PORTERVILLE CONTAINING
FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
ADOPTING THE 2009-2014 HOUSING
ELEMENT OF THE GENERAL PLAN

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of April 20, 2010, opened a public hearing to consider adopting the 2009-2014 Housing
Element of the General Plan. The meeting was continued to allow for the Department of
Housing and Community Development to complete its review of the City’s Draft Housing
Element; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of May 4, 2010, again continued the public hearing to consider adopting the 2009-2014
Housing Element of the General Plan. The meeting was continued to allow additional time for
the Department of Housing and Community Development to complete its review of the City’s
Draft Housing Element; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of May 18, 2010, held the public hearing to consider adopting the 2009-2014 Housing
Element of the General Plan; and

WHEREAS: The City Council made the following findings;

1. That the proposed 2009-2014 Housing Element Update will bring the City’s
   Housing Element into compliance with the statutory requirements set forth in the
   California Government Code.

2. That the adoption of the 2009-2014 Housing Element will not be detrimental to
   the public health or welfare, or injurious to the property or improvements in areas
   affected by the Housing Element.

3. That the evaluation of the environmental impacts as set forth in the initial study
   are appropriate and that adoption of the Housing Element will have no significant
   effect upon the environment within the meaning of the California Environmental
   Quality Act and, when considering the project as a whole, there is no evidence
   before the City that the proposed project would have any potentially adverse effect
   on wildlife resources or the habitat upon which wildlife depends, and therefore, a
   Negative Declaration has been adopted.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of
Porterville does hereby approve the 2009-2014 Housing Element.
Pete V. McCraken, Mayor

ATTEST:

John Lollis, City Clerk

By ______________

 Patrice Hildreth, Chief Deputy City Clerk
Due to the size of the Final Draft Housing Element, a copy has been provided on compact disc. Copies have been made available at the Community Development/Public Works Counter and the Library. The document is also available online at www.ci.porterville.ca.us
May 12, 2010

Mr. Bradley D. Dunlap, Director
Community Development Department
City of Porterville
291 N. Main Street
Porterville, CA 93257

RE: Review of the City of Porterville’s Draft Housing Element

Thank you for submitting Porterville’s draft housing element received for review on March 15, 2010 and revisions received on April 13, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). A telephone conversation with Mr. Jose Ortiz, Associate Planner, facilitated the review.

The revised draft element addresses the statutory requirements described in the Department’s September 3, 2009 review. As a result, the element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

Specifically, Program B-1 commits Porterville to rezone 36 parcels (163.5 acres) for higher density residential to facilitate development of housing affordable to households with lower-income. Rezoned sites will allow for the development of multifamily uses by-right at minimum densities of 20 units per acre to accommodate the City’s regional need for lower-income households and facilitate more compact development: with a mix of uses to address climate change, energy conservation, air quality, while maximizing land resources. Such housing and land-use strategies also promote the feasibility of developing housing for lower-income families and workers while strengthening local economies.

The Department appreciates the cooperation and assistance of Mr. Ortiz throughout the course of the review and is committed to assist Porterville in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact James Johnson, of our staff, at (916) 323-7271.

Sincerely,

Cathy E. Creswell
Deputy Director

ATTACHMENT ITEM NO. 5
SCHEDULED MATTER

TITLE: STAFF INITIATED MODIFICATION TO DESIGN “D” OVERLAY SITE REVIEW 1-2010 (MEDICAL OFFICE BUILDINGS – DR. VEMURI)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On March 16, 2010, the City Council adopted Resolution 26-2010 approving D-Overlay Site Review 1-2010 for the development of medical office buildings to be located at 557 W. Morton Avenue. The proposed project is to be developed in two phases. The first phase consists of building “A,” the northern nineteen parking stalls, wrought iron fencing along Morton Ave, the block wall along the east and south property lines and all the landscaping in these areas. The second phase would consist of building “B” and the remainder of the development.

As a condition of approval, the project was required to process a parcel merger prior to issuance of building permits. According to the property descriptions and information submitted for the project, the site consisted of two parcels. While processing the Tentative Parcel Map, a third parcel was identified, located at the south west corner of the project area within the second phase. The project proponent believes they own the parcel but no record confirming ownership has been produced to date. The applicant is diligently working towards resolution with their Title Company, County Assessor, and hired engineer.

Staff recommends that the Council modify the D-Overlay approval to allow the applicant to proceed with Phase One of the project. In addition, proof of ownership or potential redesign of the second phase of the project shall be required prior to development of the second phase.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution which adds conditions with respect to phasing of the project in relation to the new parcel.
2. Maintain the previous conditions found in Resolution 26-2010 in full effect.

ATTACHMENTS:

1. Draft Resolution
2. Locator Map identifying newly found third parcel on project site
3. D-Overlay Site Review Staff Report dated March 16, 2010
SCHEDULED MATTER

TITLE: DESIGN “D” OVERLAY SITE REVIEW 1-2010 (MEDICAL OFFICE BUILDINGS - DR. VEMURI)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of “D” Overlay Site Review 1-2010 to allow for the development of medical office buildings to be located at 557 W. Morton Avenue. The proposed project site is identified by the General Plan Land Use Map as Professional Office and zoned Professional Office with a Design Review Overlay (PO-D). The medical office buildings are located just east of the Cobble Stone Court development on a ±1.2 acre site.

The proposed project is to be developed in two phases. The first phase will consist of building “A,” the northern nineteen parking stalls, wrought iron fencing along Morton Ave, the block wall along the east and south property lines and all the landscaping in these areas. The second phase will consist of building “B” and the remainder of the development.

Building “A” is a ±3,200 square foot medical office building consisting of five (5) exam rooms, three (3) offices, waiting room, restrooms, break room and a ±1,100 square foot future lease space. The building is completely surrounded with landscaping (shrubs and trees) and fronts Morton Avenue. Building “B” is ±3,840 square feet for leasing purposes and also surrounded with landscaping and situated toward the rear of the property.

On December 16, 2009, the Project Review Committee (PRC) reviewed the project and found it is consistent with the City of Porterville’s General Plan Land Use Polices and Guidelines and that the design is consistent with the requirements of the Zoning Ordinance. The facility provides thirty-eight (38) parking spaces and meets minimum landscaping requirements.

The site is currently vacant but was previously developed with a single family residence that was demolished in March of 2009. The proposed buildings are designed to include a variety of materials, architectural features, and enhanced landscaping that will improve the site and enhance the existing neighborhood and community by promoting good design and economic development.
RECOMMENDATION: That the City Council adopt the draft resolution containing findings and conditions in support of the approval for "D" Overlay Site Review 1-2010.

ATTACHMENT: Complete Staff Report
DESIGN REVIEW OVERLAY 1-2010 (MEDICAL OFFICE BUILDINGS)
FOR CITY COUNCIL MEETING OF MARCH 16, 2010

APPLICANT:               Gary Weaver
                           1210 Lotas Way
                           Porterville, CA 93257

PROPERTY OWNER:          Nirupama Yalamanchili
                           608 W. Melinda Avenue
                           Porterville, CA 93257

PROJECT DESCRIPTION:     The applicant is requesting approval of a
                          "D" Overlay Site Review 1-2010 to allow
                          for the development of medical office
                          buildings located at 557 W. Morton Avenue.

SIZE OF PROPERTY:        ± 1.2 acres

GENERAL PLAN CLASSIFICATION: Professional Office

ZONING CLASSIFICATION:   PO (D) Professional Office/ Design Review
                          Overlay

SURROUNDING ZONING LAND USE:

North:    City- R-3/ High Density Residential
West:     City- C-2/ Cobble Stone Development
South:    City- PO/ Professional Offices
East:     City- R-3/ Vacant Lot

ENVIRONMENTAL REVIEW:

Pursuant to section 15332 Class 32 (In-fill Development- less than five acres), the
proposed project is categorically exempt from the California Environmental Quality Act
(CEQA).
STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the draft resolution Design Review Overlay 1-2010 subject to conditions of approval.

ATTACHMENTS:

1. Locator/ General Plan Land Use/ Zoning Map
2. Site Plan
3. Landscaping Plan
4. Floor Plan (Building “A” & “B”)
5. Elevation Plan (Building “A” & “B”)
6. Resolution

Fernando Rios  Project Planner

March 16, 2010  Date
Locator Map

Legend

- Project Site

Professional Office/ P0(D)

"D" Overlay 1-2010

0 160 320 640 960 1,280 Feet

Attachment 1
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR "D" OVERLAY SITE REVIEW 1-2010 TO ALLOW THE DEVELOPMENT OF MEDICAL OFFICE BUILDINGS LOCATED AT 577 W. MORTON AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of March 16, 2010, reviewed the application material for the proposed medical office buildings to be located at 577 W. Morton Avenue; and

WHEREAS: Pursuant to Article 18 (Supplemental “D”- Design Overlay Site Review) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan Land Use Designation of Professional Office and zoning classification Professional Office with a Design “D” Overlay Site Review PO(D).

2. That the proposed project is consistent with the General Plan Land Use Polices and Objectives.

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

4. That the proposed project, pursuant to Section 15332 (Class 32) of the CEQA Guidelines, is Categorically Exempt.

5. That the site is physically suitable for the type of development proposed as the project complies with all pertinent codes.

6. That the design of the improvements is not likely to cause substantial environmental damage.

WHEREAS: The proposed project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines- construction of infill development; and

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve "D" Overlay Site Review 1-2010 under the Supplemental "D" Overlay Zone regulation subject to the following conditions:

1. The proposed block wall shall comply with the City approved colors and section B-1 of the City Standards and Specifications.

2. That the entrance gate shall remain open during business hours.
due to lack of water. Lawn areas (if applicable) shall be mowed and maintained so that the grass does not exceed 4 inches in height, and/or does not develop seed.

NOTE: Clumping grasses that are meant to be left in their natural state and are not meant to be mowed, such as creeping red fescue, are exempt from this condition.

Lawn areas shall be edged to prevent grass from overhanging public or private sidewalks. Litter and plant trimmings shall be removed from the site within one week of date of notice by Community Development Department. Dead or dying plant material shall be replaced within one month of notice by Community Development Department.

Failure to comply with this condition is a public nuisance and is subject to the adopted Citation Ordinance of the City of Porterville.

12. The number of backflow prevention devices to service the development shall be minimized. All backflow prevention devices shall be shown on the site plan and the landscape plan that are submitted for building permit.

All backflow prevention devices shall be screened from view of the public street. The location of each backflow prevention device and the method and extent of screening shall be approved by the Community Development Department in consultation with the Public Works Department and the Fire Department. Screening methods may include: installation of shrubs or other plant material; placement in a valve pit; placement adjacent to a trash enclosure or cart storage area; placement behind a building.

The location of fire suppression devices shall be subject to approval of the Fire Department.

A public utility easement shall be provided for the water line lateral serving each backflow prevention device or fire suppression device. The property owner shall submit a recent copy of an appropriate policy of title insurance, together with legal descriptions, closure calculations and sketch to the Engineering Division of the Public Works Department with applicable fees so that the staff may proceed with the preparation of the legal documents.

13. All landscaped areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of Cement concrete curbing.

14. Boundaries of landscaped areas, not adjacent to parking or vehicular traffic areas, shall be delineated either by concrete or redwood header board, as determined at the time of the review of the landscape plan.

15. The parkway shall be landscaped with live landscaping material, or shall be
telephone number of such person shall be provided to the City of Porterville Community Development Department office.

20. Surface drainage shall run to any of the following, or combination thereof: an alley, public drainage way, or to one or more sumps upon the property and then drain through pipes under the sidewalk to the public right-of-way in accordance with specifications of the Public Works Department. A grading plan shall be submitted to and approved by the Community Development Department prior to paving.

21. Any graffiti on the property shall be promptly painted out. If the problem persists, as determined by the Community Development Department, a plan for preventing recurrence shall be submitted to the Community Development Department for review and approval, and shall be implemented as approved. Suggested anti-graffiti measures include the use of vertical landscaping or vines along affected wall surfaces, and/or the use of anti-graffiti paint.

22. The street address(s) for the buildings, suites, and property shall be determined and assigned by the Building Department in conjunction with the Fire Department.

23. Signs shall require a sign permit, prior to installation. Signs shall meet the requirements of the City Sign Code and shall be architecturally compatible with the buildings. Proposed sign shall not obstruct vehicular visibility at the proposed driveways and Morton Avenue, as determined by the City Engineer.

24. All new public utility services, including electrical, telephone and community television antenna services, shall be placed underground in accordance with City requirements.

25. A City business license is required, for the operation of the proposed facility, prior to final inspection of the building permit.

26. The requirements of the City's performance standards with respect to odor, noise, smoke, vibration and discharge of liquid and solid waste shall be maintained.

27. The noise generated by this use shall not exceed the limits established by the Noise Regulations of the City of Porterville and State of California.

28. Thirty-eight (38) parking spaces are required. The off-street parking area and access shall be paved and striped in accordance with City parking standards.

29. The project shall be developed in accordance with the architectural elevations received for City Council Review, attached hereto and incorporated as Attachments 2 through 5. The materials and color palette shall have a variety of colors and materials consistent with the projects'
be designed to convey water to the City drainage system without crossing driveways.

40. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Parcel Merger or Lot Line Adjustment that will adjust or merge property lines to meet the requirements of all applicable codes.

41. The developer/applicant shall provide streetlights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. Proposed streetlights shall be shown on the plans with spacing not to exceed 160’ between streetlights.

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

43. The developer/applicant shall comply with Section 2611 of the Zoning ordinance and Section 20-1.3 of the City of Porterville Municipal Code as it relates to locations of fences along the perimeter of the property and within the public right of way. The developer plans to totally enclose the site with a 6-foot high wall and wrought iron fence. The 6 foot high fence along Morton Avenue shall be located at property line or within private property. A 6-foot block wall is required along the east and southern property line.

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

45. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

46. The developer/applicant is advised that he/she is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all
a) It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application may be filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.

The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.

b) ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.

c) The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

d) The District will notify the local agency when a project’s application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.

e) If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.

f) The District will provide a letter of rule compliance status to the local agency upon request.

g) The ISR Rules and Program does not place any requirements upon the agency.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.
Surveyor prepare and submit a Lot Line Adjustment or Parcel Merger, whichever may apply, that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

- Three copies of a Map and Legal Descriptions
- Processing fee in the amount of $616.
- Adequate title information (deed, etc.) to verify current ownership and the method of creation of the effected parcels.

57. The Lot Line Adjustment or Parcel Merger shall be approved prior to the issuance of a building permit.

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

59. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

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

61. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). Enclosure location shall be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

62. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
77. That there shall be no deferred items.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By
Luisa Herrera, Deputy City Clerk
CONSIDERATION OF ESTABLISHING CITY BENEVOLENCE ("GOOD WORKS") FUND

City Manager

At its meeting on March 2, 2010, the City Council gave direction to continue to develop the qualifying criteria and process for a policy to administer the establishment of a City Benevolence ("Good Works") Fund, whereby through a defined process the Council could allocate funds for community-based non-profit purposes. At its meeting on October 20, 2009, the Council acted to appropriate $25,000 toward such Fund in the 2010-2011 fiscal year budget.

In providing its direction, the Council was interested in developing a process in which the Benevolence Fund would be administered by the Council collectively, though allowing each Councilmember the ability to recommend support for individual eligible non-profit organizations. This policy approach sought to diminish the perception of individual Councilmembers "buying votes" in their funding decisions in the event a Councilmember was able to individually select a particular organization(s) for funding, as is the practice in some other jurisdictions.

The League of California Cities through the Institute for Local Government, in its publication "Understanding the Basics of Public Service Ethics," provides guidance on the contribution of public agency funds for charitable purposes (attached). In addition to identifying the circumstances that would merit such charitable contributions, the publication cautions against individual office holders directing a certain amount to a given non-profit organization. It is advised that the determination to contribute public agency funds to a non-profit should be made by the agency governing body, with the findings of the public benefit to the agency and the community it serves. Accordingly, the non-profit agencies receiving funds should also demonstrate the served public purpose.

Consistent with the Council's prior direction, and supported by the referenced publication, each Councilmember may recommend financial support for individual non-profit organization, however, the Council collectively should provide the final funding determination.
Using the established $25,000 appropriation, the Council may consider allowing each Councilmember the opportunity to recommend up to $5,000 for selected eligible non-profits, with the Council approving the final funding and public benefit determinations.

It is recommended that in the prospect and support of non-profit organizations to receive City funding, the organizations should complete an application with several minimum requirements: 1) Documentation of non-profit determination and status; 2) Description of the public benefit and purpose the non-profit serves in the community; 3) The specific public purpose for which funds received would be used. As a matter of example and reference, the application for the City of Visalia Non-Profit Funding Program is provided, though the example application is significantly more extensive than the recommended minimum requirements.

RECOMMENDATION: That the City Council:
1) Consider the proposed funding distribution model; and
2) Provide direction as to the requirement and to the extensiveness of an application for funding.

ATTACHMENT: Institute for Local Governing Publication (Excerpt)
City of Visalia Non-Profit Funding Program Application
UNDERSTANDING THE BASICS OF

PUBLIC SERVICE ETHICS

Perk Issues, Including Compensation, Use of Public Resources and Gift Laws
not clear what the legal authority is to issue such badges. Most importantly, there is a significant risk that someone seeing the badge might mistakenly think the official has some relationship to law enforcement.

For more information, see the Everyday Ethics for Local Officials column “Badges for Officeholders and Prominent Members of the Community: A Bad Idea” (see www.ca-ilg.org/badges).

**Staff Time**

The prohibition against personal use of public resources extends to human resources or public agency staff time. The theory is that staff time spent on personal errands for supervisors or governing body members could be used instead for public business.

**Giving Gifts**

The norms in the public sector can differ significantly from the private sector. It is common for business people to extend hospitality and make gifts and charitable contributions to generate goodwill for the company.

However, California’s constitution specifically prohibits “gifts” of public resources. This prohibition applies to an agency making gifts to its officials and employees. It also applies to gifts from either an agency or its officials to private citizens (for example, hosting meals).

Because this ban is in the constitution, it applies to all public agencies. The only possible exception is charter cities. Charter cities look to their charters for limits on their ability to do something. Therefore, charter city officials must consult their charters to see if they contain parallel gift restrictions.

How does one know if a gesture is okay? The test is whether there is a valid public purpose justifying the expenditure.

It can be useful to address this issue in agency policies.

**Charitable Donations**

The prohibition against gifts of public funds has implications for charitable giving by public agencies. As Scrooge-like as it seems, a public official should not assume it is appropriate for public agencies to make gifts to charitable organizations.

Here are some circumstances under which a public agency may contribute to a charity:

1. When the charity provides a service that complements or enhances one the public agency provides itself;
2. When there is an identifiable secondary benefit to the public agency; or
3. When the charity provides a service the public agency could provide but chooses not to.
In all instances, the governing body should make findings in the minutes about the benefits to the agency associated with providing resources to the charity. As always, concluding that expenditure may be legal is just the first step of the analysis; just because something is “legal” does not mean that it is the best use of resources in light of all competing demands on the agency’s treasury.

<table>
<thead>
<tr>
<th>Relationship To Public Agency Programs</th>
<th>Example</th>
<th>Nature of Benefit(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Complementary service</td>
<td>Donation to Tree Foundation in return for agreement to replace street trees agency removes because of disease or old age</td>
<td>Foundation has specialized knowledge about trees suitable for area. Organization shares goal of populating area with more trees, thereby saving energy and enhancing property values for residents. Other grants received by the Tree Foundation mean the agency and those it serves save money on replacement of trees.</td>
</tr>
<tr>
<td>2. Demonstrable benefit</td>
<td>Boys and Girls Club’s after school programs</td>
<td>Such programs reduce the need for law enforcement activities in area. Programs promote public safety and law abiding youth in a positive, cost effective manner.</td>
</tr>
<tr>
<td>3. Service agency could provide but does not</td>
<td>Homeless shelter and associated placement programs</td>
<td>Such programs help end cycle of homelessness. Reducing homelessness is one of the agency’s housing element goals.</td>
</tr>
</tbody>
</table>
Special districts have an additional burden when it comes to charitable contributions. Not only must they demonstrate the contribution benefits the district, but they must also demonstrate that the expenditure falls within the specifically enumerated powers of that particular type of district.

Making donations to charitable causes that are far away from the jurisdiction (for example, the victims of a hurricane) also present special challenges. Because of the distance, it is much tougher to justify the contribution as creating benefits to the jurisdiction’s residents. Because of this, such donations are more vulnerable to legal challenge.\(^\text{141}\)

Also risky is the practice that may exist in some jurisdictions where individual office holders can direct that a certain amount be given to a particular charity (possibly as part of an annual officeholder expense budget). Any decision to give public money to private charities should be made by an agency governing body, so the requisite findings on the benefit to the agency and the community it serves can be made.

One public agency’s practices in this regard came under scrutiny, even though the agency put safeguards in place to make sure the funds were appropriately spent. The president of the local taxpayers’ association suggested that using such monies for charitable contributions involves “a thin line” and is “almost like they’re buying votes.”\(^\text{145}\)

Although the newspaper noted that the funds could not be used for campaign purposes, the newspaper observed that such funds were used to boost officeholders’ public profiles.

For more information, see the following Everyday Ethics for Local Officials columns:

- “Raising Funds for Favorite Causes” (see www.ca-ilg.org/fundraising)
- “Using Public Resources for Charitable Purposes” (see www.ca-ilg.org/charity)
- “Commitment to Nonprofit Causes and Public Service: Some Issues to Ponder” (see www.ca-ilg.org/nonprofits)
CITY OF VISALIA

NON-PROFIT FUNDING PROGRAM

APPLICATION FOR FUNDING

FY 2009-2010

Administered by
City of Visalia Citizens Advisory Committee

Application Due Date: Friday, June 12, 2009 @ 5:00 p.m.

Applicants Must Attend One Grant-Writing Workshop
Grant-Writing Workshops Will Be Held On:
Saturday, May 16, 2009 @ 10:00 a.m.
Thursday, May 21, 2009 @ 6:00 p.m.
Tuesday, May 26, 2009 @ 11:00 a.m.

All Grant-Writing Workshops will be held at City Hall in the Council Chambers located at 707 West Acequia Avenue
Introduction to the Non-Profit Fund Application

The City of Visalia recognizes both the importance of the community’s young residents and the role that non-profit agencies play in the lives of children. To help support the efforts of agencies working with young people, the City has established the Non-Profit Program Fund administered by the Citizens Advisory Committee. This Fund assists non-profit and local government agencies in providing programs and services aimed at (1) improving the quality-of-life of youth in the City and (2) gang prevention/intervention programs.

Instructions

Grant-writing workshops will be held on Saturday, May 16, 2009 at 10:00 a.m., Thursday, May 21, 2009 at 6:00 p.m., and Tuesday, May 26, 2009 at 11:00 a.m. for all agencies considering applying for this funding. Applicants must attend one workshop session as a prerequisite for submitting an application; the funding process is very competitive, and the workshop will assist agencies in requesting funding. All of the grant-writing workshops will be held in the Council Chambers of City Hall, located at 707 West Acequia Avenue.

Funding for an agency’s Visalia Non-Profit Program (see definition in Glossary at end of application form) is available to any qualified nonprofit and government agencies with programs or services for people under the age of 18 living in the City of Visalia.

The applicant agency must certify that (1) no funds received from the City of Visalia Non-Profit Funding Program will be used for any religious purpose and (2) the program supported will be available to any person regardless of religion, race, ethnicity, or sexual orientation.

A minimum of 25% of the annual funding from the City of Visalia will be awarded for gang prevention/intervention programs or activities, provided qualified applications are received. If not enough qualified applications with gang prevention/intervention programs or activities are received, the remainder of this set-aside amount will be dispensed to other applicants at the discretion of the CAC.

The minimum grant amount to be awarded to an agency is $3,000; the maximum grant amount to any one agency is equal to 20% of the total annual funding for the Visalia Non-Profit Program Fund. The funds are to be expended during the fiscal year.

Requests for “seed” money to start new programs or activities are strongly encouraged. Capital expenditures that benefit the qualified program or activity, as well as other uses listed in the application, are also eligible for funding. The grants are annual awards, and the funds requested are to be expended from July 1, 2009 – June 30, 2010.

Agencies may apply for funding for more than one program or activity. However, a separate application is to be completed for each program or activity for which funding is requested. An agency may receive funding for a specific program or activity from the Visalia Non-Profit Program Fund for up to three consecutive years.
Agencies are encouraged to complete the application by inserting responses into the electronic format of the application. Incomplete applications will not be accepted or reviewed. The forms and tables in the application must be completed; substitutions and references to attachments will not be accepted. In particular, agencies are urged to fully respond to item #12 of the application regarding anticipated “outputs” and “outcomes” of the program or activity. More information about these terms is found in the Glossary at the end of the application. An agency’s failure to meet the Program Outcomes or Outputs from previous grant requests may affect an agency’s current and future funding requests.

All successful applicants awarded grants will be required to submit semi-annual progress reports to the CAC in January 2010 and July 2010. Failure to submit these progress reports may jeopardize future funding requests.

Agencies must submit the original application signed by an authorized agent and an additional 6 (six) un staples copies of the signed original for a total of 7 (seven) submitted applications. In addition, the following must be included with the application:

- One copy of the agency’s most recent Federal tax return;
- One copy of the agency’s most recent fiscal year-end financial statement;
- One copy of the agency’s IRS 501 (c) (3) determination letter;
- One copy of the resolution of the Board of Directors authorizing the grant application. The resolution must be signed by two members of the board and include the following statements:
  - The Board of Directors approves the request for funding from the City of Visalia’s Non-Profit Fund Program in the amount of $__________.
  - _______ is authorized to sign the grant application on behalf of [Grantee agency].
  - [Grantee agency] acknowledges that among the conditions placed on the grant by the City of Visalia are the following: (1) no funds received from the City of Visalia Non-Profit Funding Program will be used for any religious purpose and (2) the program or activity supported will be available to any person regardless of religion, race, ethnicity, or sexual orientation, and [Grantee Agency] agrees to comply with such conditions.

Questions should be directed to Jason Montgomery at jmontgomery@ci.visalia.ca.us

Submit completed application and required attachments by Friday, June 12, 2009 @ 5:00 p.m. to:

City of Visalia - Citizens Advisory Committee
707 West Acequia Avenue
Visalia, CA 93291
Attn: Jason Montgomery, Finance
Submit completed applications and required attachments to:
City of Visalia - Citizens Advisory Committee
707 West Acequia Avenue
Visalia, CA 93291
Attn: Jason Montgomery, Finance

Deadline – 5:00 p.m. Friday
June 12, 2009

<table>
<thead>
<tr>
<th>Visalia Non-Profit Program Fund Application</th>
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<tbody>
<tr>
<td>Agency name: _______________________________</td>
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<tr>
<td>Program/Activity for which funding is requested (if different): _____________________________</td>
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<tr>
<td>Agency mailing address: ____________________</td>
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<tr>
<td>City: __________________ State: __________ Zip Code: __________</td>
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<tr>
<td>Phone: __________________ Fax: __________ E-Mail: __________________</td>
</tr>
<tr>
<td>Contact name &amp; title: ______________________</td>
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</table>

**Program/Activity Information**
1. Amount requested in this application: __________________

2. The funding requested is for (select one)
   - [ ] a capital expenditure (one-time purchase or property improvement intended to be used for more than one year) that benefits a qualified program or activity.
   - [ ] a new program or activity to be started during FY 2010.
   - [ ] an ongoing program or activity.
   - [ ] agency or program/ activity operations.
   - [ ] scholarships.
   - [ ] other (describe): ____________________

3. Briefly describe the specific intended use of the Visalia Non-Profit Program Fund grant requested by the agency.
4. Briefly describe the program/activity for which funding is requested. (Include, for example, a description of the program or service, service locations, hours of operation, fee structure, scholarship criteria, how participants are identified or recruited. If funding is being requested for a capital expenditure, describe how the item to be purchased/facility to be constructed will enhance the agency’s program or activity.):

5. Has the program/activity been previously funded by the City of Visalia’s Non-Profit Program?
   □ No
   □ Yes. If yes, for which fiscal years was this funding awarded? __________________________

6. Are there any major changes anticipated for the staffing and/or funding of the agency or activity in FY 2010?
   □ No.
   □ Yes. If "yes", describe.

7. How many Visalia residents under the age of 18 did the agency serve through this program or activity from January 1, 2008 through December 31, 2008? ____________ (Answer “N/A” if this is a new program or activity.)

8. How many total people did this program or activity serve from January 1, 2008 through December 31, 2008? (Answer “N/A” if this is a new program or activity.) ______

9. How many Visalia residents under the age of 18 is this program or activity projected to serve for the period July 1, 2009 through June 30, 2010? __________

10. Is the purpose of the program or activity for which funding is requested gang prevention or intervention?
    □ No.
    □ Yes. If yes, describe the gang prevention or intervention aspects of the program or activity.

11. List similar programs or activities of other organizations in the City of Visalia and describe what sets apart your organization’s program or activity.
12. (a) Summarize the **outcomes** and/or **outputs** of the program or activity for which funding is being sought and (b) how these will be measured by the agency. **(Refer to the "Glossary of Terms" at the end of the application for a further description of these terms. In reviewing grant proposals and allocating grant funds, preference will be given to grants that identify measurable outcomes rather than only outputs.)**

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**General Agency Information**

13. **Agency Mission or Purpose Statement:**

---

14. Describe the fundraising activities of the agency.

---

15. In the organization's most recent fiscal year, what is the percentage of fundraising expenses compared to the total funds raised (i.e. fundraising expenses divided by the total funds raised)?

\[
\text{Total costs of fundraising} \quad \frac{\$ \text{_______________}}{} = \frac{\%}{\%}
\]

\[
\text{Total funds raised} \quad \frac{\$ \text{_______________}}{} = \frac{\%}{\%}
\]
16. List the key agency staff involved with the program or activity for which funding is being requested. (Indicate those who are to be paid from City funds.)

<table>
<thead>
<tr>
<th>First Name</th>
<th>Position</th>
<th>Paid from City funds?</th>
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17. List the members of the Agency's Board of Directors.

<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
<th>Board Office Start</th>
<th>Term Ending</th>
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18. Describe any Agency financial/budgetary problems or debt within the last 5 years (including annual budget deficits).

19. How often does the Board of Directors meet?

20. What constitutes a quorum for a meeting of the Board?

21. How many times was the quorum met in the Agency's most recent fiscal year?

22. What is the fiscal year of the agency?
## Sources of Funds - Agency

<table>
<thead>
<tr>
<th>SOURCES OF REVENUE</th>
<th>Current Year Budget Amount FY 2008-2009</th>
<th>Projected Amount for FY 2009-2010</th>
<th>Status of projected FY 2009-2010 funding commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visalia Non-Profit Program Funds</td>
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<td></td>
</tr>
<tr>
<td>Donations</td>
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<tr>
<td>Fundraising events</td>
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<td>County funding</td>
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<td>State funding</td>
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<td>Private foundations</td>
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<tr>
<td>Program fees</td>
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<td>Grants (list individually)</td>
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<td>LESS AGENCY EXPENSES (from page 9)</td>
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<td>TOTAL AGENCY EXCESS OR &lt;DEFICIT&gt;</td>
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## Sources of Funds - Visalia Non-Profit Program

<table>
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<tr>
<th>SOURCES OF REVENUE</th>
<th>Current Year Budget Amount FY 2008-2009</th>
<th>Projected Budget Amount for FY 2009-2010</th>
<th>Status of projected FY 2009-2010 funding commitments</th>
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<tr>
<td>Visalia Non-Profit Program Funds</td>
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<td>Donations</td>
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<td><strong>TOTAL PROGRAM REVENUE</strong></td>
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# Uses of Funds - Agency

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<th>Current Year Budget Amount FY 2008-2009</th>
<th>Projected Amount for FY 2009-2010</th>
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<td>Payroll Taxes</td>
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<td>Office Expenses/Rent</td>
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<td>All Other Expenses (list by categories)</td>
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<td>TOTAL AGENCY EXPENSES</td>
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CERTIFICATION
This certifies that the information contained in this application is true and accurate and that this application has been authorized by the applicant agency.

Date: ____________________________ By: ____________________________
Agency: __________________________ Title: __________________________

Board of Directors’ Authorization to Request Funds:
A resolution of the agency's board of directors must be included with the funding request. The resolution must be signed by two members of the governing body and include the following statements.

- The Board of Directors approves the request for funding from the City of Visalia’s Non-Profit Fund Program in the amount of $__________.
- ____________ is authorized to sign the grant application on behalf of [Grantee agency].
- [Grantee agency] acknowledges that among the conditions placed on the grant by the City of Visalia are the following: (1) no funds received from the City of Visalia Non-Profit Funding Program will be used for any religious purpose and (2) the program supported will be available to any person regardless of religion, race, ethnicity, or sexual orientation, and [Grantee Agency] agrees to comply with such conditions.

Attachments:
- One copy of the agency's most recent Federal tax return
- One copy of the agency's most recent fiscal year-end financial statement
- One copy of the agency's IRS 501(c) (3) determination letter
- One copy of the resolution of the Board of Directors authorizing the grant application
- 6 (six) unstapled photocopies of signed application (in addition to the original application)

Glossary of Terms
Outputs are the units of service delivered by the activity or the number of people served. These are usually measured in terms of the volume of work accomplished, such as number of low-income households served, number of meals served, nights of shelter, childcare slots, counseling sessions provided, etc.

Outcomes are benefits or changes that result from a program or project. Outcomes typically related to a change in conditions, status, attitudes, skills, knowledge, or behavior of the participants or community served. Common outcomes could include improved quality of life for program participants, improved nutritional health or sense of security, improved mental health, or sense of well-being. Outcomes need to be measurable (i.e. surveys or questionnaires of participants and may include outcomes such as, fewer number of inter-personal conflicts, number of participants who become employed or enrolled in school, or measurable improvement in classroom performance, etc.).

Visalia Non-Profit Program refers to the program or activity for which funding is being sought. Responses to questions regarding the "Visalia Non-Profit Program" should be limited to the agency’s program or activity that serves young residents of the City of Visalia even if the agency serves people in a broader geographic area or in other age groups.
SUBJECT: CONSIDERATION OF ESTABLISHING A PROGRAM FOR VOLUNTARY CONTRIBUTIONS TO NON-PROFIT ORGANIZATIONS BY CITY EMPLOYEES AND RESIDENTS

SOURCE: City Manager

COMMENT: At its meeting on March 2, 2010, the City Council gave direction to develop a proposed program whereby both City employees and residents could voluntarily contribute to non-profit organizations, with employees contributing through payroll deduction and residents through utility billings.

For employees, the City has an Agreement in place with the United Way of Tulare County, whereby City employees may make voluntary charitable donations by payroll deduction to either the United Way or a designated non-profit organization, given that organization in turn has a receiver agreement with the United Way. There have been occasions when employees have wanted to, but been prevented from, making payroll deduction contributions to local non-profit organizations due to the local organization not having a United Way agreement. The Council may consider allowing City employees to make voluntary payroll deductions to selected non-profits by individual agreement between the City and the non-profit organization outside of the United Way framework.

For City residents, staff has been made aware of voluntary charitable contribution programs that exist in other communities, whereby community residents may contribute to designated local non-profit organizations. In some instances, the utility billing system allows a customer to “round up” their regular utility bill to the nearest whole dollar amount, with the “round up” fund amount donated to a designated local non-profit organization. Unfortunately, the City’s utility billing system does not allow for this feature, however, the system will support a regular and ongoing amount to be added to the utility billing, which the designated regular added amount can be designated for a non-profit organization. As a disclosure of potential impact to City staff time, each individual contribution would necessitate a quick account adjustment by computer, which should not exceed one (1) minute per contribution.
RECOMMENDATION: That the City Council:
1) Consider modifying the City employee payroll deduction policy to allow direct contributions to individual non-profit organizations; and
2) Provide direction on establishing a City resident non-profit contribution program through utility billing.

ATTACHMENT: None