Call to Order
Roll Call

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

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   5- 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 Council Member Felipe Martinez
Invocation

PROCLAMATIONS
Porterville Air Attack Base – 50th Anniversary

PRESENTATIONS
Employee of the Month – Linda Wammack
Outstanding Business Presentation

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

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.
1. **City Council Minutes of May 19, 2009**

2. **Claim – Misty Blount**
   Re: Considering rejection of a claim in an amount of $347.80 for rim and tire damage that the claimant alleges occurred when she struck a pothole while driving northbound on Jaye Street on January 5, 2009.

3. **Award of Contract – Indiana Street (South), Prospect Street, and Henderson Avenue Shoulder Stabilization Project**
   Re: Awarding contract in an amount of $122,548.63 to Halopoff & Sons, Inc. for the project consisting of the installation of new curbs, gutters and sidewalk along Indiana Street between Olive Avenue and Roby Avenue, Prospect Street between Olive Avenue and Tomah Avenue, and Henderson Avenue at a location 1200’ east of Plano Street.

4. **Lease Agreement Between the City of Porterville and the Airport Enterprise Fund**
   Re: Approval of a resolution and lease agreement between the City of Porterville and the Airport Enterprise Fund for the 35.23 acres of airport land currently lease by the Parks Department as part of the Sports Complex parking lot.

5. **Airport Lease Renewal – Lot 34A**
   Re: Approval of an extension of the Lease Agreement between the City of Porterville and Mr. Sam Lessley of Porterville, CA, for Lot 34A at the Porterville Municipal Airport.

6. **Airport Lease Renewal – Lot 34D**
   Re: Approval of an extension of the Lease Agreement between the City of Porterville and Mrs. Joyce Moody-Flores of Porterville, CA, for Lot 34D at the Porterville Municipal Airport.

7. **Amendment to the Community Development Block Grant 2008/2009 Action Plan for Use of American Recovery and Reinvestment Act Funds**
   Re: Considering adoption of a resolution of approval for the Substantial Amendment to the 2008/2009 Action Plan to allocate $191,221 in CDBG-R funds to the Heritage Center Project for the purpose of construction of the segment of the Rails to Trails from Olive Avenue to the north end of the parking lot at the Heritage Center.

8. **Affirm Targeted Areas for the Neighborhood Stabilization Plan (NSP)**
   Re: Considering affirmation of staff’s identification of target areas and funding distribution as presented to the County for the Neighborhood Stabilization Program.

9. **Adopt Resolution Declaring Support for the San Joaquin Valley Energy Leader Partnership**
   Re: Considering adoption of a resolution declaring support for the San Joaquin Valley Energy Leader Partnership.

10. **Household Hazardous Waste Recycle-Only Collection Facility**
    Re: Considering authorization to finalize the details of a Joint Powers Agreement (for future approval by Council) between the Tulare County Environmental Health Services (TCEHS) and the City of Porterville to establish a Recycle Only Household Hazardous Waste Collection Facility in Porterville.

* A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible
PUBLIC HEARINGS
11. **Conditional Use Permit 6-2008 (Villa Siena) One (1) Year Extension of Time**
   Re: Considering adoption of a resolution approving a one year extension of time for Conditional
   Use Permit 6-2008.

12. **Vacation of Portion of Garden Avenue**
   Re: Considering adoption of a resolution of vacation, including reservations, for a portion of Garden Avenue
   between Fig Street and the west right of way of the “Rails to Trails” property.

SECOND READINGS
13. **Second Reading – Ordinance 1754, Deferring Certain Developer Impact Fees**
   Re: Second reading of Ordinance 1754, An Ordinance of the City Council of the City of Porterville
   25-45, 25-45.1, and 25-96 to the Porterville Municipal Code Relating to the Deferral of Certain Developer Impact Fees,
   which was given first reading on May 19, 2009.

14. **Second Reading – Ordinance 1755, Prohibiting Model and Remote Controlled Aircraft at the Porterville Airport**
   Re: Second reading of Ordinance 1755, An Ordinance of the City Council of the City of Porterville
   Adding Section 4-11.35 to Chapter 4, Article XI, Airport – Illegal Activities, of the Porterville Municipal Code, to
   Prohibit Model and Radio Controlled Aircraft at or Near the Porterville Municipal Airport, which was given first
   reading on May 19, 2009.

SCHEDULED MATTERS
15. **Annual Review of City of Porterville/Chamber of Commerce Agreement**
   Re: Acceptance of the Chamber of Commerce Activity Report and Financial Statements, and
   authorizing payment of $35,000 consistent with the City Budget.

16. **Consideration of the City Manager’s Proposed Budget for Fiscal Year 2009-1010 and Setting Study Session and Public Hearing Dates**
   Re: Approving the scheduling of the Fiscal year 2009-2010 budget study session on June 9, 2009, and
   the Public Hearing on the Fiscal Year 2009-2010 Budget on June 16, 2009.

17. **Council Member Requested Agenda Item – Performance of Self-Evaluation of the City Council**
   Re: Council Member request to discuss the performance and effectiveness of the City Council.

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
JUNE 2, 2009

Roll Call: Agency Members

ORAL COMMUNICATIONS
SCHEDULED MATTER
PRA01. Consider a Resolution of the Porterville Redevelopment Agency Establishing an Eminent Domain Policy as That Policy Pertains to the Existing Area and the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1 and Finding That a Project Area Committee is not Required for the 2010 Amendment
Re: Considering establishment of an eminent domain policy.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

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

ADJOURNMENT - to the meeting of June 16, 2009, 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.
Call to Order at 7:00 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

PROCLAMATIONS
   Freedom Days – June 14th - July 4th, 2009

ORAL COMMUNICATIONS
   None

CONSENT CALENDAR
   Items 5 and 13 were removed for further discussion.

   1. CITY COUNCIL MINUTES OF APRIL 21, 2009

      Recommendation: That the City Council approve the Minutes of April 21, 2009.

      Documentation: M.O. 01-051909
      Disposition: Approved

   2. BUDGET ADJUSTMENT IN SUPPORT OF TULARE COUNTY WORKFORCE INVESTMENT BOARD YOUTH@WORK COMMUNITY IMPROVEMENT PROJECTS PROGRAM IN THE CITY OF PORTERVILLE

      Recommendation: That the City Council ratify the proposed budget adjustment with expenditure from the City Council budget with funding from unallocated General Fund Reserves.

      Documentation: M.O. 02-051909
      Disposition: Approved

   3. APPROVAL OF BUDGET AMENDMENT AND AUTHORIZATION TO ADVERTISE FOR BIDS – COMMUNITY CENTER PARKING LOT PROJECT

      Recommendation: That the City Council:
       1. Authorize staff to appropriate $42,985.38 from the COP refinance fund to finance the construction of the project;
       2. Approve staff’s recommended plans and project manual; and
       3. Authorize staff to advertise for bids on the project.
4. AWARD OF CONTRACT – INDIANA STREET SHOULDER STABILIZATION PROJECT (OLIVE AVENUE TO PUTNAM AVENUE)

Recommendation: That the City Council:
   1. Award the Indiana Street Shoulder Stabilization Project to Halopoff and Sons in the amount of $78,468.82; and
   2. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-051909
Disposition: Approved

6. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – INDIANA STREET SHOULDER STABILIZATION

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 40-2009
Disposition: Approved

7. AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND SUNSET WASTE PAPER, INC.

Recommendation: That City Council authorize the Mayor to sign Amendment No. 1 to the Agreement between the City of Porterville and Sunset Waste Paper, Inc.

Documentation: M.O. 05-051909
Disposition: Approved

8. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT – MORTON AND MATHEW WATER TRUNK LINE PROJECT

Recommendation: That the City Council:
   1. Authorize the Mayor to execute the Consultant Service Agreement with Dee Jaspar at an agreed fee of $52,062 for the services described herein;
   2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts; and
   3. Authorize staff to appropriate $57,268.20 from the Water Replacement Reserve.
9. AIRPORT LEASE RENEWAL – LOT 34C

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Gary Musse n of Exeter, Ca, for Lot 34C at the Porterville Municipal Airport.

Documentation: M.O. 07-051909
Disposition: Approved

10. AIRPORT LEASE RENEWAL – LOT 34E

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Glenn Ricketson of Porterville, CA, for Lot 34E at the Porterville Municipal Airport.

Documentation: M.O. 08-051909
Disposition: Approved

11. AIRPORT LEASE RENEWAL – LOT 34F

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Steven Huth and Mr. Mike Quatacker of Porterville, CA, for lot 34F at the Porterville Municipal Airport.

Documentation: M.O. 09-051909
Disposition: Approved

12. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 251-350-016 GRAND PROSPECT PARTNERS, L.P., CALIFORNIA LIMITED PARTNERSHIP – ANIMAL SHELTER AND DOG PARK PROJECT

Recommendation: That City Council:
1. Authorize budget adjustment of $150,000 (plus an even split of escrow fees) from Measure H Funds;
2. Authorize budget adjustment of $150,000 (plus an even split of escrow fees) from Waster Water Treatment Capital Reserve;
3. Authorize staff to begin escrow, with the City paying escrow fees;
4. Authorize staff to make payment to Grand Prospect Partners, L.P., California Limited Partnership, in the amount of $300,000.00 after completion of escrow;
5. Authorize the Mayor to sign all necessary documents; and
6. Authorize staff to record all documents with the County Recorder.
14. PURCHASE OF COMMAND VEHICLE FOR FIRE DEPARTMENT

Recommendation: That the City Council authorize staff to purchase a 2009 4-wheel drive Ford Expedition utilizing State of California contract; and further, that Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 11-051909
Disposition: Approved

15. MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN BUREAU OF INDIAN AFFAIRS INDIAN RESERVATION ROADS PROGRAM

Recommendation: That the Council ratify the proposed Memorandum of Understanding, and authorize the Mayor to sign all necessary documents.

Documentation: M.O. 12-051909
Disposition: Approved

16. APPROVAL FOR COMMUNITY CIVIC EVENT – EAGLE MOUNTAIN FLY IN AND AIR SHOW – PORTERVILLE MUNICIPAL AIRPORT – JUNE 13, 2009

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Tule River Economic Development Corporation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 13-051909
Disposition: Approved

5. APPROVAL OF CONSULTING SERVICES AGREEMENT FOR LIBRARY SERVICES AND FACILITIES NEEDS ASSESSMENT

Recommendation: Approve the Consulting Services Agreement with Page+Moris, and authorize and direct the Mayor to execute same.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and Parks and Leisure Services Superintendant Donnie Moore presented the staff report.

Council Member Ward inquired about the utilization of the Library Facilities Planning Committee for those services that would be provided by a consultant firm.

City Librarian Vikki Cervantes stated that the committee was made up of individuals representing the community of Porterville, and not necessarily those with the type of experience needed to complete the scope of work being proposed.
At the request of Mayor Hamilton, Finance Director Maria Bemis elucidated that the $80,000 being proposed for consultant services were part of the $220,000 that had been set aside in the capital project budget for the project.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the Consulting Services Agreement with Page+Moris, and authorize and direct the Mayor to execute same.

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

Disposition: Approved

### 13. AUTHORIZATION FOR RISK ASSESSMENT OF PLAYGROUND EQUIPMENT

**Recommendation:** That the City Council:

1. Authorize the expenditure of $5,850 from risk management to Bickmore Risk Services for a playground safety inspection; and
2. Authorize the Administrative Services Manager to execute the Authorization to Proceed for said safety inspection.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and the staff report was waived at the Council’s request.

Council Member Ward asked why a risk assessment of the safety equipment was not done prior to the purchase of the equipment. Administrative Services Manager Patrice Hildreth indicated that the safety inspection was to ensure proper installation of the equipment, and Public Works Director Baldo Rodriguez concurred.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council authorize the expenditure of $5,850 from risk management to Bickmore Risk Services for a playground safety inspection; and authorize the Administrative Services Manager to execute the Authorization to Proceed for said safety inspection. The motion carried unanimously.

Disposition: Approved

**PUBLIC HEARINGS**

17. IMPACT FEES DEFERRAL CODE AMENDMENT – FIRST READING
Recommendation: That the City Council:
1. Hold the public hearing;
2. Consider any and all public testimony;
3. Approve the Impact Fee Deferral Code Amendment Draft Ordinance; and
4. Set the June 9, 2009 City Council meeting as the time and place for the second public reading of the proposed code amendment.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and Deputy Public Works Director/City Engineer Mike Reed presented the staff report.

The hearing opened to the public at 7:18 p.m. Seeing no one, the Mayor closed the public hearing at 7:19 p.m.

In response to a question posed by Council Member Pedro Martinez, Mr. Rodriguez explained the benefits of the proposed ordinance.


The acting City Manager read the ordinance by title only.

Disposition: Approved

18. WATER CONSERVATION

Recommendation: That City Council approve:
1. The above revisions to the Water Conservation Plan; and

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item.

A motion was made by Vice Mayor McCracken to waive presentation of the staff report. A brief discussion ensued as to whether the staff report could be waived for a public hearing item, and City Attorney Mauer recommended that the staff report be presented.

Deputy Public Works Director/Field Services Manager Bryan Styles presented the staff report.
The public hearing opened at 7:26 p.m. Seeing no one, the Mayor closed the public hearing at 7:27 p.m.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve the above revisions to the Water Conservation Plan; and move into Phase II of the Water Conservation Plan. The motion carried unanimously.

Disposition: Approved

19. CONDITIONAL USE PERMIT 1-2009 – UNIFORM SIGN PROGRAM (CITY OF PORTERVILLE – PARKS & LEISURE SERVICES)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 1-2009, subject to conditions of approval.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and City Planner Ben Kimball presented the staff report.

The hearing opened to the public at 7:31 p.m. Seeing no one, the Mayor closed the public hearing at 7:32 p.m.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Resolution 42-2009 Member Ward that the City Council adopt the draft resolution approving Conditional Use Permit 1-2009, subject to conditions of approval. The motion carried unanimously. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

20. REQUEST TO ACCEPT FOR FIRST READING AN ORDINANCE PROHIBITING THE FLYING OF RADIO CONTROLLED AIRCRAFT AT PORTERVILLE AIRPORT

Recommendation: That the City Council:

1. Approve the draft Ordinance prohibiting the flying radio controlled airborne vehicles at the airport or on city property near the airport for first reading, and order the ordinance to print; and

2. Direct the Airport Area Manager and Public Works Director under the direction of the City Manager to coordinate with a remote control aircraft association to utilize property near the City’s sewer ponds for the activity.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and Airport Area Manager John Longley presented the staff report.
A discussion ensued regarding available land in the area of the airport, and Mr. Rodriguez indicated that it could be looked into if that were the Council’s direction.

- Mr. David Frankiewich, 31061 Success Valley Drive, representing Porterville Area Radio Control Flyers Organization, indicated that he understood that the City had no choice but to respond accordingly to the FAA’s request; thanked the City for 50 years of support; spoke in favor of the City finding a new location; and stated that a ground area of 300 feet by 70 feet would be sufficient.

The Council discussed the possibility of finding another site with staff and posed questions of Mr. Frankiewich. There was also some discussion regarding whether when the ordinance would take effect if approve, and if approval of the ordinance should be postponed.

A motion was made by Council Member Pedro Martinez, and seconded by Council Member Felipe Martinez to hold off on approving the ordinance. The City Attorney advised that the Council could bring the ordinance back for approval at any time, but that the Council had to consider the correspondence received from the FAA.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the draft Ordinance 1755 M.O. 17-051909 prohibiting the flying radio controlled airborne vehicles at the airport or on city property near the airport for first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 4-11.35 TO CHAPTER 4, ARTICLE XI, AIRPORT – ILLEGAL ACTIVITIES, OF THE PORTERVILLE MUNICIPAL CODE, TO PROHIBIT MODEL AND RADIO CONTROLLED AIRCRAFT AT OR NEAR THE PORTERVILLE MUNICIPAL AIRPORT; and direct the Airport Area Manager and Public Works Director under the direction of the City Manager to coordinate with a remote control aircraft association to utilize property near the City’s sewer ponds for the activity. The motion carried unanimously.

The acting City Manager read the ordinance by title only.

Disposition: Approved

ORAL COMMUNICATIONS
- Morris (last name inaudible), 19459 Avenue 144, radio airplane enthusiast, voiced support for a City-sanctioned property, and suggested that an area of three to five acres was needed.

OTHER MATTERS
- Council Member Felipe Martinez, inquired about who had attended the LAFCO City Selection Committee Meeting; and offered his condolences to the Mayor on the passing of his father.
- Council Member Pedro Martinez inquired about upcoming events, and noted the Porterville firefighters’ “Fill the Boot” event.
- John Longley, Airport Manager, spoke about the Fly In on June 13th, and a dinner recognizing aerobatic pilot Wayne Handley on June 12th.
- Mayor Hamilton requested that the sound system be repaired.

**ADJOURNMENT**

The Council adjourned at 8:09 p.m. to the meeting of June 2, 2009 at 6:00 p.m.

_____________________________
Luisa Herrera, Deputy City Clerk

SEAL

_____________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM – MISTY BLOUNT

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Ms. Misty Blount has filed a claim against the City for damages in an amount of $347.80. Claimant alleges that her vehicle’s rim and tire were damaged when she struck a pothole while driving northbound on Jaye Street on January 5, 2009.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
RECEIVED
MAY 8 2009

CITY OF PORTERVILLE
CITY CLERK OFFICE

Claimant's Name: Misty Blount
DOB: [redacted]
Claimant's Address: 1552 S. Main St Porterville CA 93257
Claimant's Telephone No. (Home) (559) 306-9574 (Work) (559) 782-2713

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

Date of incident/accident: 5/15/09
Date injuries, damages, or losses were discovered: 5/15/09
Location of incident or accident: Jaye St. & Springville Dr. intersection

What did entity or employee do to cause this loss, damage, or injury? City failed to fix pothole approx. 2ft x 3ft. in middle of intersection.

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

1. What specific injuries, damages, or losses did claimant receive? Hit pothole causing my front rim to crack beyond repair. It also cont-
(Use back of this form or separate sheet if necessary to answer this question in detail.)

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

2. I am requesting reimbursement for rear wheel hub bearing cost to change tires and an alignment. I am not cont.
How was this amount calculated (please itemize):
Rear hub bearing $100.35 tire change $135 alignment $152
Replace front tire rim $45
(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 5/18/09 Signature: Misty Blount

If signed by representative:
Representative's Name __________________________ Telephone: __________________________
Address e # __________________________
Relationship to Claimant __________________________
1. Cracked my ④ front rotor and ⑤ rear wheel hub & bearing. Due to impact an alignment is needed.

2. Requesting reimbursement for labor because I did the repairs myself. I am not requesting reimbursement for the rotor because it was under warranty. I am requesting $347.80 because that is what I have had to spend for the repairs.
MISTY BLOUNT

RETURN POLICY: No returns on electrical or special order items. A restocking charge will be applied on all merchandise returned for credit. No returns after 15 days.

DISCLAIMER OF WARRANTIES: All warranties on the products sold hereby are those made by the manufacturer. The seller, MARK SIDLEY'S, hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose, and MARK SIDLEY'S, neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law.

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DATE PRINTED | 1/31/09 | TIME | 15:05:32 | SERVICES OR EQUIPMENT | 92.70 |

PARTS DEPARTMENT HOURS
7:30 a.m. to 6:00 p.m. Mon - Fri
9:00 a.m. to 4:00 p.m. Sat

Thank You!

** Initial Invoice **
Not an Invoice - Do not Pay

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**RECEIPT**

**DATE:** 5/6/06  
**Estimate No.:** 469337  
**GARCIA'S TIRES**  
**1248 S Main St**  
**Porterville CA. 93257**

**FOR:** LEROY GARCIA  
**DOLLARS:** $35.00

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**FOR RENT**  
**(559) 791-9250**

**Signed by:** Misty Bent

**RECEIVED**

**5/6/06**

**BY:** Misty Bent
SUBJECT: AWARD OF CONTRACT – INDIANA STREET (SOUTH), PROSPECT STREET, AND HENDERSON AVENUE SHOULDER STABILIZATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On May 27, 2009, staff received one (1) bid for the Indiana Street, Prospect Street, and Henderson Avenue Shoulder Stabilization Project. The project consists of the installation of new curbs, gutters and sidewalk along Indiana Street between Olive Avenue and Roby Avenue, Prospect Street between Olive Avenue and Tomah Avenue, and Henderson Avenue at a location 1200’ east of Plano Street.

The Engineer’s estimate of probable cost for the project is $120,715.00. The single bid provided was $122,548.63, 1% above the Engineer’s estimate. An additional $9,803.89 is required for the construction contingency (8%). An additional $6,469.48 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $138,822.

The project had an add alternate portion along Indiana Street, south of Devon Avenue to Roby Avenue, estimated at $62,020.00. The bid received for the add alternate was $65,464.85. Sufficient funds are not available to construct this portion and only the base bid will be awarded.

Congestion Mitigation & Air Quality (CMAQ) grant and Surface Transportation Program (STP) are the funding sources for this project, as approved by the 2008/2009 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Halopoff &amp; Sons, Inc.</td>
<td>$122,548.63</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the City Council:

1. Award the Indiana Street (South), Prospect Street, and Henderson Avenue Shoulder Stabilization Project base bid to Halopoff and Sons in the amount of $122,548.63;

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

3. Authorize an 8% contingency to cover unforeseen construction costs, and $6,469.48 for staff time and construction engineering.

ATTACHMENT: Locator Map
PROJECT LOCATION MAPS
SUBJECT: LEASE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE AIRPORT ENTERPRISE FUND

SOURCE: Finance Department

COMMENT: The Parks Department currently leases 35.23 acres of airport land as part of the Sports Complex parking lot. All Airport property, which is leased for non-aviation use, must be renewed every three years.

For Fiscal Year 2009/2010 through 2011/2012, the Parks Department is once again requesting to use airport land for the Sports Complex parking.

The annual lease for 2009/2010 is $7,461, which will be adjusted by the Consumer Price Index for Fiscal Years 2010/2011 and 2011/2012. The CPI used will be the average of the San Francisco Index and the Los Angeles Index, All Users. The funding source is the Park Development Fund.

RECOMMENDATION: That the City Council authorize the Mayor to sign the Resolution and Lease Agreement between the City of Porterville and the Airport Enterprise Fund.

ATTACHMENT: Lease Agreement
Resolution
Airport Map of proposed lease areas

Dir. Appro./ CM Funded

Item No. 4
LEASE AGREEMENT FOR USE OF AIRPORT PROPERTY
LOCATED AT THE PORTERVILLE MUNICIPAL AIRPORT FOR PARKING
AT THE CITY OF PORTERVILLE SPORTS COMPLEX

This Lease Agreement is entered into this 2\textsuperscript{nd} day of June, 2009, by and between the City of Porterville, a Charter City and Municipal Corporation, hereinafter referred to as "City," and the City of Porterville, Airport Enterprise Fund, hereinafter referred to as "Airport."

WITNESSETH:

WHEREAS, City rents property from the Airport for parking at the Sports Complex; and

WHEREAS, Airport will supply the property for parking at the Sports Complex.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Airport agrees to supply to the City property for parking at the Sports Complex.

2. City agrees to pay an annual lease payment to the Airport Enterprise Fund in the amount of $7,461, adjusted yearly by the rise or fall of the Consumer Price Index. The CPI will be calculated annually at the average between the Los Angeles and San Francisco CPI, All Items Index.

3. The term of the Agreement shall be for three (3) years, and should the Airport have a need for any or all of the subject property, this Agreement shall become null and void.

Dated this 2\textsuperscript{nd} day of June, 2009.

CITY OF PORTERVILLE

By: 
Cameron Hamilton, Mayor

AIRPORT

By: 
John Longley, Airport Manager

ATTEST:

John D. Lollis, City Clerk

APPROVED AS TO FORM

Julia Lew, City Attorney
RESOLUTION NO. _____ -2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING THE USE OF CERTAIN AIRPORT PROPERTY LOCATED AT
THE PORTERVILLE MUNICIPAL AIRPORT FOR PARKING AT THE CITY
OF PORTERVILLE SPORTS COMPLEX, AND AUTHORIZING A LEASE
AGREEMENT FOR SAID USE

WHEREAS, the City of Porterville intends to enter into a Lease Agreement with the City of Porterville Airport Enterprise Fund, hereinafter referred to as "Airport,"; and

WHEREAS, the City intends to rent property from the Airport for parking at the Porterville Sports Complex; and

WHEREAS, the City understands that this Agreement is for a three (3) year renewable term effective from date of execution, and should the Airport have a need for any or all of the subject property, the Agreement shall become null and void; and

WHEREAS, the Airport will supply the property for parking at the Porterville Sports Complex.

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

1. The City of Porterville shall lease property from the Porterville Municipal Airport for parking at the Porterville Sports Complex.

2. The City of Porterville agrees to pay an annual lease payment to the Airport Enterprise Fund in the amount of $7,461 adjusted yearly by the rise or fall of the Consumer Price Index. The CPI will be calculated annually at the average between the Los Angeles and San Francisco CPI, All Items Index.

3. The term of the agreement shall be for three (3) years.

Adopted this 2nd day of June, 2009.

Cameron Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: ____________________________
    Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: AIRPORT LEASE RENEWAL – LOT 34A

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Sam Lessley is the current leaseholder of Lot 34A at the Porterville Municipal Airport. The lease expired on May 31, 2009; however, the lease terms allow for an option to extend the lease for an additional five (5) years, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We received a request from Mr. Lessley on May 14, 2009, asking to continue the lease on Lot 34A. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2014.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Sam Lessley of Porterville, CA, for Lot 34A at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Lessley requesting renewal
Paragraph 2 of original Lease Agreement
May 14th, 2009

City of Porterville
291 N. Main St.
Porterville, CA

Re: Airport Lease Renewal

I would like to exercise my option and extend the lease for five more years on Airport Lot 34A at the Porterville Airport.

Thank You

Sam G. Lessley

[Signature]

[Signature]

LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of June 1, 1999 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Sam and Velma Lessley hereinafter referred to as "Lessee".

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, Lessee desires to lease a portion of said airport for the construction of a hangar; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 34 A at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on June 1, 1999, both parties having executed the same, and shall terminate on May 31, 2009. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
COUNCIL AGENDA: JUNE 2, 2009

SUBJECT: AIRPORT LEASE RENEWAL – LOT 34D

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mrs. Joyce Moody-Flores is the current leaseholder of Lot 34D at the Porterville Municipal Airport. The lease expired on May 31, 2009; however, the lease terms allow for an option to extend the lease for an additional five (5) years, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City’s granting of the option is discretionary, but will not be unreasonably withheld. We received a request from Mrs. Moody-Flores on May 21, 2009, asking to continue the lease on Lot 34D. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2014.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mrs. Joyce Moody-Flores of Porterville, CA, for Lot 34D at the Porterville Municipal Airport.

ATTACHMENT: Locator Map  
Letter from Mrs. Moody-Flores requesting renewal  
Paragraph 2 of original Lease Agreement

D.D. Appropriated/Funded  C.M.  Item No. 6
City of Pottsville  May 18, 2007

Concerning Lease: Lot 3410 at Pottsville Municipal Airport.

I desire to continue my lease (option/extend) for another 5 years.

Enclosed, find confirmation of aircraft insurance with additional insured by City of Pottsville.

Thank You

Jaye A. Mooney - Store
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of June 1, 1999 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Joyce Moody hereinafter referred to as "Lessee".

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as "Porterville Municipal Airport"; and

WHEREAS, Lessee desires to lease a portion of said airport for the construction of a hangar; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 34 D at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on June 1, 1999, both parties having executed the same, and shall terminate on May 31, 2009. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
SUBJECT: AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK
GRANT 2008/2009 ACTION PLAN FOR THE USE OF AMERICAN
RECOVERY AND REINVESTMENT ACT FUNDS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City of Porterville has received notice that it has been allocated
$191,221 in additional Community Development Block Grant Funds
The U.S. Department of Housing and Urban Development (HUD) is
requiring the entitlement cities allocated these funds must complete a
Substantial Amendment to the current 2008/09 Action Plan to show how
these funds will be spent in accordance with the policies and objectives
that have been developed by HUD. This amendment is due to HUD by
June 5, 2009.

Recipients of the funds are to give priority to projects that can award
contracts based on bids within 120 calendar days from the date the funds
are made available to the recipients. Congress intends the use of the funds
to be targeted to address current economic conditions and should be
primarily invested in economic development, housing, infrastructure, and
other public facilities activities that will quickly spur further economic
investment, increase energy efficiency, and job creation or retention. HUD
also encourages the use of CDBG-R for discrete, stand-alone activities
whenever possible and environmental review procedures are required.

Staff has reviewed the list of projects that might be eligible for this
funding and with the parameters that have been placed on the funds by
HUD, only one is able to meet the readiness criteria. This project is the
construction of the segment of the Rails to Trails Project from Olive
Avenue to the edge of the new parking lot adjacent to the Heritage Center.
Since this segment is part of the master plan for the Heritage Center
Complex, federal and state environment review processes (NEPA and
CEQA) have been completed. In addition, the design, construction
drawings, and project manual can be completed within the required time
frames and the project will meet the objectives of the funds by enhancing
alternative modes of transportation and protecting the environment.
Construction and temporary jobs will also be created and prevailing wages
will be required to be paid. When completed, the Rails to Trails Project
will run from Henderson Avenue on the North to the Tule River on the
south and then connect with the Tule River Parkway Project. It will,
therefore, provide direct pedestrian and bicycle connection from one side
of town to the other, especially to the industrial employment centers and

Appropriated/Funded MB CM J

Item No. 7
major commercial centers. By creating a livable, walkable, and desirable community, an intrinsic by-product of the project may be economic development and job creation as the city becomes more attractive to businesses looking for a place to locate.

Since this project is already a part of the Heritage Center designated as a project in the 2008/2009 Action Plan, the substantial amendment would only be to allocate the additional funding of $191,221 to the Plan for the construction of the Rails to Trails segment. The Program Model for the project identifies this is an Eligible Activity under Public Facilities and Improvements (24 CDR 570.201(c)) and the National Objective as a Direct Benefit to Low-and Moderate-Income Area (24 CDR 570.208(a)(1)).

RECOMMENDATION: That the City Council:

1. Adopt the resolution of approval for the Substantial Amendment to the 2008/2009 Action Plan to allocate $191,221 in CDBG-R funds to the Heritage Center Project for the purpose of construction of the segment of the Rails to Trails from Olive Avenue to the north end of the parking lot at the Heritage Center.

2. Authorize the City Manager to sign the required SF 424 funding application to HUD for these additional funds.

ATTACHMENTS: 1. Draft Resolution approving the Substantial Amendment to the 2008/2009 Action Plan
2. Program Model for the Heritage Center
SUBJECT: AFFIRM TARGETED AREAS FOR THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On February 3, 2009, Council approved Resolution No. 12-09 approving participation in the Joint Powers Agreement with the County of Tulare and the Cities of Dinuba, Farmersville and Tulare for the purpose of distributing the Neighborhood Stabilization Program (NSP) funds. The purpose for this funding allocation is to rejuvenate neighborhoods and communities that are hardest hit by the foreclosure crisis.

In an effort to administer the funds, the State Department of Housing Community Development has required a focusing of agency efforts. Several meetings have been attended by staff to identify requirements of the program. On Monday, May 18, 2009, staff attended the NSP Application Meeting in Tulare County at which time staff was informed that target areas needed to be identified and submitted by the afternoon of the same day. An emergency decision had to be made by staff to define target areas; activities in each target area; and amount of the budget allocated for the activities to be submitted for the public notice. Attached is an outline of the information presented by staff.

RECOMMENDATION: That City Council affirm staff’s identification of target areas and funding distribution as presented to the County for the Neighborhood Stabilization Program.

ATTACHMENT:
1) List of Proposed Uses
2) Map of Target Areas
# Neighborhood Stabilization Program
City of Porterville
Proposed Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>$’s Allocated</th>
<th>Number of Units</th>
<th>Target Area</th>
</tr>
</thead>
</table>
| A. Financing Mechanisms         | $30,000       | 3               | 1. **Northwest Neighborhood** (Bounded by Morton on the south, Castle on the north, Prospect on the east, and Friant Kern Canal on the west)  
2. **Southwest Neighborhood** (Bounded by River Springs on the south, Olive on the north, Westwood on the west, and Prospect on the east)  
3. **Northeast Neighborhood** (bounded by Olive on the south, Westfield on the north, Plano on the west, and Hillcrest on the east) |
| B. Purchase and Rehabilitation  | $435,699      | 4               | 1. Same as A. for acquisition with rehab or rehab only without acquisition and  
2. Same as C. for rehab only without acquisition |
| C. Landbanking                  | $100,000      | 2               | **Central Area Neighborhood** (bounded by Westfield on the north, Date on the south, Highway 65 on the west and Plano on the east) |
| D. Demolition of Blighted Structures | $35,000      | 5               | Same as C.                                                                  |
| E. Redevelopment of demolished or vacant properties | $100,000      | 1               | Same as C.                                                                  |
| **Total**                       | **$700,699**  |                 |                                                                             |
SUBJECT: ADOPT RESOLUTION DECLARING SUPPORT FOR THE SAN JOAQUIN VALLEY ENERGY LEADER PARTNERSHIP

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Recently the City Council received a presentation lead by Southern California Edison Company regarding the efforts energy providers are making in partnership with local agencies to achieve CalPUC energy demand reduction goals. The attached Resolution will declare that the City of Porterville intends to participate with the Valley Innovative Energy Watch (VIEW) with goals to achieve energy demand reduction and energy efficiencies for the local community.

The City Manager has appointed the Parks and Leisure Services Director to be the primary representative of the City of Porterville on these matters.

RECOMMENDATION: Adopt the Resolution declaring support for the San Joaquin Valley Energy Leader Partnership.

ATTACHMENTS: Resolution

N/A Appropriated/Funded

City Manager

ITEM NO.: 9
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE SAN JOAQUIN VALLEY CLEAN ENERGY ORGANIZATION TO BE NAMED "THE SAN JOAQUIN VALLEY ENERGY LEADER PARTNERSHIP"

WHEREAS, the San Joaquin Valley Energy Leader Partnership ("SJVELP"), also known as the Valley Innovative Energy Watch ("VIEW"), representing the participating County and City jurisdictions of Tulare County – supports “energy efficiency” initiatives, policies, and construction standards in order to ensure that our communities follow and encourage sustainable practices; and

WHEREAS, local demand for electricity has grown, and it is expected that demand for electricity will continue to grow in the near future to support a growing population and economy; and

WHEREAS, citizens and businesses spend significant amounts for energy, it makes economic sense and good public policy to encourage energy efficiency in the SJVELP region and our community; and

WHEREAS, energy efficiency programs enhance our environment by improving air quality, reducing greenhouse gases and other pollution, and conserving natural resources; and

WHEREAS, it is vital for our community to keep spending locally and to encourage innovations in the way we behave, build, and incorporate energy into our everyday business and personal lives; and

WHEREAS, there is a growing movement within California communities and businesses to improve everyday practices and create more sustainable and “greener” cities; and

WHEREAS, the communities comprised of the VIEW Partnership seek to promote innovative methods and state-of-the-art technologies used in the design and construction of new residential and commercial buildings within the region, in order to bring energy and natural resource consumption in line with our sustainability goals; and

WHEREAS, The San Joaquin Valley Clean Energy Organization ("SJVCEO") has been identified by the participating partnership jurisdictions to enter into an agreement with Southern California Edison (SCE) on their behalf to represent them and implement the activities of the participating Tulare County jurisdictions the SJVELP Partnership.

Over
WHEREAS, City of Porterville staff, with the assistance of the SJVCEO, have identified the suite of programs within SCE’s proposed Local Government Partnership Program as being consistent with the SJVELP members’ customer service goals.

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

1. That the above recitations are true and correct.

2. That the City of Porterville designates the Tulare County-based nonprofit SJVCEO (or another organization designated by the SJVELP should conditions merit a change) to implement the mission of the San Joaquin Valley Energy Leader Partnership.

3. That the City of Porterville supports a commitment to sustainable practices through energy efficiency, and will provide leadership and guidance in promoting, facilitating, and instituting such practices in the region.

4. That the City of Porterville supports and endorses the San Joaquin Valley Energy Leader Partnership (a SCE Local Government Partnership) as an effective method to help meet long-term regional economic and environmental goals.

5. That the City of Porterville will name one or more individuals to the SJVELP working group that will review progress regularly with the SJVCEO and SCE.

6. That the City of Porterville with the assistance of SCE and the SJVCEO will identify and support implementing the suite of programs and projects within the City of Porterville municipal facility and community energy efficiency and sustainability goals.

PASSED, APPROVED AND ADOPTED this 2nd day of June, 2009.

_____________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: HOUSEHOLD HAZARDOUS WASTE RECYCLE-ONLY COLLECTION FACILITY

SOURCE: Public Works Department – Field Services Division

COMMENT: Tulare County Environmental Health Services (TCEHS) wishes to enter into a Joint Powers Agreement with the City of Porterville to establish a Household Hazardous Waste (HHW) Collection Facility in Porterville to better serve the residents of Tulare County. The agreement is for a Recycle-Only HHW Collection Facility which will only accept latex paint; used oil; used oil filters; antifreeze; spent lead-acid batteries; nickel-cadmium, alkaline, or carbon-zinc batteries; intact spent fluorescent lamps; and intact spent high intensity discharge (HID) lamps. TCEHS met with staff to select a suitable site for the collection facility at the Corporation Yard.

A preliminary analysis of areas of responsibilities and cost has been made. The City of Porterville will be responsible for providing the site, facility, and staffing for collection and documentation of the Collection Facility. TCEHS will be responsible for obtaining any necessary permits and provide equipment and collection containers to operate, expert advice, transportation and disposal of materials, and signage and flyers. It is estimated that the City’s cost for the finished facility improvement will be under $1000 plus 4 man hours weekly and will be funded from the Solid Waste Fund. It is anticipated that the Collection Facility will be operational the first week of July.

RECOMMENDATION: That the City Council authorize staff to finalize the details of the agreement for future approval by Council.
CITY COUNCIL AGENDA: JUNE 2, 2009

SUBJECT: CONDITIONAL USE PERMIT 6-2008 (VILLA SIENA) ONE (1) YEAR EXTENSION OF TIME

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Macfarlane Costa Housing Partners
320 Golden Shore, Suite 200
Long Beach, CA 90802

COMMENT: The applicant is requesting approval of a one (1) year extension of time for the originally approved Conditional Use Permit 6-2008.

On July 1, 2008, the Porterville City Council approved Conditional Use Permit 6-2008, by City Council Resolution No. 61-2008. Approval of this resolution allowed for the development of a mixed use 70 residential housing units and ±2,700-square-foot office complex located within the Multi-family (R-3)/Central Commercial (C-2) Zone located at south east corner of Putnam Avenue and E Street.

Section 2903-C of the Porterville Zoning Ordinance states:

"Any Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein."

If the proposed one (1) year extension is granted, the new expiration date of Conditional Use Permit will be June 2, 2010.

Due to the current economic situation, there have been delays in starting construction and completing the acquisition of financing. Although construction has not started, escrow has closed on the property and progress in submitting finance applications continues. To date, funding from the Porterville Redevelopment Agency, Joe Serna Farmworkers Fund, Proposition C1 Grants (Infrastructure) and USDA have been conditionally reserved and secured. The final funding component, Tax Credit Financing, is currently being resubmitted.

APPROPRIATED/FUNDED Date CM
RECOMMENDATION: That the City Council adopt the draft resolution approving a one (1) year extension of time for Conditional Use Permit 6-2008.

ATTACHMENT:

1. Locator Map
2. Letter requesting the Extension of Time
3. City Council Resolution 61-2008
4. Draft Resolution
Villa Siena CUP 6-2008

Legend

Locator Map

Subject Site

Road - Street

Attachment 1  200  0  200  400  600  800  Feet  Planning Division
May 12, 2009

Ms. Denise Marchant
City of Porterville Redevelopment Agency
291 N. Main St.
Porterville, CA 93257

Re: Villa Siena – Conditional Use Permit 6-2008
Request for extension

Dear Ms. Marchant:

Please allow this letter to serve as a formal request to extend our CUP for the Villa Siena project. We have had some financing challenges and need additional time before commencing construction.

If you have any questions, please contact me at (424) 258-2912.

Regards,

[Signature]

Tara Celkis
Senior Project Manager
RESOLUTION NO. 61-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 6-2008 TO ALLOW THE DEVELOPMENT OF 70 RESIDENTIAL HOUSING UNITS AND ±2,700 SQUARE FEET OF OFFICE SPACE ON A ±2.7 ACRE SITE AT THE SOUTHEAST CORNER OF PUTNAM AVENUE AND "E" STREET IN THE R-3 (MULTIPLE FAMILY) - C-2 (CENTRAL COMMERCIAL) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of July 1, 2008, conducted a public hearing to consider Conditional Use Permit 6-2008, to allow for development of a mixed use 70 unit affordable housing apartment and office complex on a ±2.7 acre site located at the southeast corner of Putnam Avenue and "E" Street in the R-3 (Multiple Family) and C-2 (Central Commercial) Zone; and

WHEREAS: Pursuant to Section 408 (A) (R-3 Zoning) of the Porterville Zoning Ordinance, minimum lot area per family shall be one thousand five hundred (1,500) square feet. Based on the ±2.7 acre site, up to 78 units are allowed; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 of the CEQA Guidelines – construction of infill-development. Under the Permit Streamlining Act (Section 65950) of the Government Code, the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project; and

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

1. The General Plan designates the subject site as Downtown Mixed Use.

The subject site is zoned R-3 (Multiple Family Residential)/C-2 (Central Commercial) Zone which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

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

The generally level site is rectangular in nature with a width of 195± feet and depth of 460± feet. The soil is not highly expansive and therefore would not create any significant barriers to the project as proposed.

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

With the exception to the commercial uses to the east, the subject site is surrounded by office uses and homes to the west, a mobile home park to the south, a funeral home, apartments and homes to the north. The design would blend architecturally with the uses in this area. Additionally, Staff conducted an on-site inspection. The subject site contains one structure (to be removed) and weeds. No natural habitat was observed. As such, no endangered,
threatened or rare species or habitats exist and no significant impact would occur, as a result of the project.

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

The storage of hazardous materials other than what is utilized by residential households will be prohibited. Only those uses allowed in the Zoning Classification of the site would be allowed.

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

The proposed project meets all of the requirements, to include off-street parking, lot coverage, number of units allowed and landscaping required in the R-3 Zone set forth by Section 400 and C-2 Zone set forth by Section 800 of the Zoning Ordinance. Additionally, conditions of approval would 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 6-2008, subject to the following conditions:

1. The project shall be constructed in substantial compliance with the conceptual site plans, elevations, and landscaping plans (Exhibit 3) approved for CUP 6-2008 and submitted at the time of building permits consistent with the attached plans (Exhibit 3) in terms of improvements, including the locations of sidewalks and walkways.

2. The sidewalk located in the public right-of-way shall be recessed from the curb according to street cross-section standards contained in Figure 4-2 of the General Plan. A landscape parkway with city approved street trees shall be installed between the sidewalk and curb and maintained by the property owner. Tree spacing shall generally be one tree for every 35 feet of street frontage.

3. There shall be a minimum five foot (5') wide landscape strip between all property lines and parking areas.

4. Additional pedestrian connections shall be installed to connect proposed walkways with public sidewalks.

5. Bike racks and picnic table shall be constructed and placed in open space and recreation areas.
6. Parking lot stalls shall be 18 feet long without wheel stops, rather than 20 feet long with wheel stops.

7. The precise location of proposed monument signs shall be shown on the site plan, including dimensions from driveways, sidewalks, and other improvements.

8. The height of proposed monument signs shall be provided.

9. All roofing materials shall be consistent within the project, including that of the proposed residences, carports, and office space.

10. The proposed office space shall be consistent in design with the other proposed buildings, including consistency with roofing, entry ways, window styles, exterior materials and in keeping with the craftsman architectural theme.

11. The proposed buildings shall incorporate to a greater degree, the craftsman style of architecture, including, but not limited to a post and beam feature on columns and gables, and a river rock exterior base feature, or similar rock pattern.

12. The proposed location of all street lights shall be shown on the site plan. All street lights shall be a nostalgic style, consistent with other street lights in Downtown Porterville.

13. All mechanical equipment shall be screened from public view.

14. All comments by the Engineering Division are to be satisfied when submitting for a building permit application and/or prior to the issuance of a Certificate of Occupancy.


16. 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.

17. 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.

18. 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.

19. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of
the California Building Code.

20. 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.

21. The developer/applicant shall construct street paving (half-street, if necessary to match existing grades), curb, gutter, sidewalk, wheelchair ramp(s), water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer. All existing driveways along “E” Street shall be removed up to the lip of gutter and replaced with full curb, gutter, and sidewalk. New driveways shall be constructed per City standards.

22. A parkway consistent with the newly adopted General Plan will be required along Putnam Avenue and “E” Street, which calls for a full sidewalk replacement. The parkway shall include a 5’ wide sidewalk adjacent to the existing right of way line. The remaining area within the public right of way shall be landscaped and maintained by the property owner, including maintenance of tree damaged curbs, gutters, and sidewalks. The new sidewalk shall adjust around existing power poles, streetlights, etc., as necessary, to provide a minimum 48” clearance between the obstruction and edge of sidewalk. Please refer to attached Figure 4-2F of the General Plan illustrating typical street cross sections.

23. The existing curb return and ramp at the southeast corner of Putnam Avenue and “E” Street shall be reconstructed to comply with current City standards.

24. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Parcel Merger that will merge 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.

25. The Parcel Merger shall be approved prior to the issuance of a building permit.

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

27. The developer/applicant shall provide streetlights complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer. Nostalgic lights matching the City downtown theme shall be installed along the Putnam Avenue and “E” Street frontages. Spacing shall be 40 feet and 50 feet on center.
28. The developer/applicant shall appropriately light the proposed parking lot by providing Nostalgic lights matching the City downtown theme.

29. 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.).

30. 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.

31. 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.

32. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. A dust control plan is required prior to building permit issuance. The developer/applicant shall provide a street sweeper as necessary to comply.

33. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules

Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). ISR applies to projects that are at least:
- 50 residential units
- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

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 maybe 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.

b. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.

c. 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.

d. 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).

e. 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.

f. 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.
g. The District will provide a letter of rule compliance status to the local agency upon request.

h. 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.

34. 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.).

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

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

37. For the parking spaces, curb wheel stops must be shown or a minimum 6' sidewalk width must be provided to account for vehicle overhang.

38. 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.

39. The developer/applicant shall install all required refuse container enclosures 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 bins or an acceptable method to roll out the bins should be accounted for (i.e., concrete slab in front of trash enclosure to allow easy in/out rolling of bins, etc).

40. Special attention shall be given to the sewer tie-in for this project. An existing 8" sewer line runs adjacent to the railroad. Based on City research, the depth at the manhole in Putnam Avenue is 6.5' to the pipe invert, but should be field verified. A sewer lift station may be required and shall comply with City standards, if necessary.

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

42. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner
the impact fees based on the actual water usage.

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

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

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

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

47. Compliance with all applicable codes is required.

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

49. Soil compaction test is required.

50. School Development fees and all other city fees are due at the time of building permit.

51. Restrooms and Main entrance must comply with disabled access laws.

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

53. Signs required separate permits.

54. Pool required separate permits and prior approval from Tulare County Health Department.

55. Shall be an R-2 Occupancy.

56. Full 1 hr construction type is required.

57. Need total square footage on plans.

58. Need Carport engineering Calculations.

59. Show all ADA access routes thru the parking lot areas.

60. Requires 4 Min ADA parking stalls and one of them shall be Van accessible

61. A demo permit shall be required for removal of the existing structures/buildings.
62. **NO DEFERRED ITEMS.**

63. See Attached plans check list

64. The project must comply with latest applicable codes.

65. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system will be required. A NFPA 13 system is required in residential occupancy's over two stories per City of Porterville amendments.

66. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.

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

68. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

69. 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.

70. Additional fire hydrants will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

71. 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.

72. Fire hydrant spacing shall be as follows:

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

73. 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.

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

75. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
76. 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.

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

78. The developer/applicant shall comply with all requirements of the Porterville Zoning Ordinance, the Porterville Municipal Code, the latest adopted Building Codes, and all other applicable laws and ordinances.

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

APPROVED, AND ADOPTED this 1st day of July, 2008.

Cameron Hamilton, Mayor

ATTEST:

John Longley

By: Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 1st day of July, 2008.

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

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<th>F. Martinez</th>
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JOHN LONGLEY, 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 OF THE APPROVAL OF A ONE (1) YEAR EXTENSION OF TIME FOR CONDITIONAL USE PERMIT 6-2008 (VILLA Siena) TO ALLOW FOR THE DEVELOPMENT OF 70 RESIDENTIAL HOUSING UNITS AND A ±2,700 SQUARE FEET OF OFFICE SPACE ON A ±2.7 ACRE SITE AT THE SOUTH EAST CORNER OF Putnam Avenue and E Street in the R-3 MULTIPLE FAMILY AND CENTRAL COMMERCIAL (C-2) ZONE

WHEREAS: On July 1, 2008, the Porterville City Council approved Conditional Use Permit 6-2008, by City Council Resolution No. 61-2008. Approval of this resolution to allow for the development of 70 residential housing units and ±2,700 square feet of office space for that site located at the south east corner of Putnam Avenue and E Street; and

WHEREAS: The Porterville City Council at its regularly scheduled meeting of June 2, 2009, considered a one (1) year extension of time request for Conditional Use Permit 6-2008 to allow for the development of a 70 residential housing units and ±2,700 square feet of office space for that site located at the south east corner of Putnam Avenue and E Street; and

WHEREAS: Due to the economic hard times and the extremely competitive application process the Villa Siena Mixed Use project has been unable to start construction and implement the conditions of approval pursuant to City Council Resolution 61-2008 for Conditional Use Permit 6-2008, prior to the expiration date.

WHEREAS: The Council made the following findings:

1. That the proposed project is consistent with the Zoning Ordinance.
2. That the site is physically suitable for the type of development proposed.
3. That a pursuant to Section 15301 Class 3 (e) (1), the original Conditional Use Permit was categorically exempt from the CEQA Guidelines.
4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
5. That the design of the project or the proposed improvements are not likely to cause health problems.
6. That Section 2903-C of the Porterville Zoning Ordinance states:

"Any Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein."

ATTACHMENT
ITEM NO. 4
7. That the extension for Conditional Use Permit 6-2008 is to provide the developer an opportunity to keep the Conditional Use Permit 6-2008 active for an additional one (1) year.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a one (1) year extension of time for Conditional Use Permit 6-2008 (Villa Siena) and that the conditions specified in City Council Resolution 61-2008 shall remain in full force and effect. Said extension of time shall commence June 2, 2009, and shall expire on June 2, 2010.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: JUNE 2, 2009

PUBLIC HEARING

SUBJECT: VACATION OF A PORTION OF GARDEN AVENUE (City of Porterville)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the public hearing on the proposed vacation of a portion of Garden Avenue between Fig Street and the west right-of-way of the "Rails to Trails" property, formerly known as the A.T. & S.F. Railroad. The City of Porterville represents the proprietary interest to all the property fronting the proposed street vacation and is hereby the requesting party.

Due to potential development of the Porterville Fairgrounds, the request to vacate this portion of Garden Avenue would clear the way for transfer of title when the property develops. The proposed vacation is consistent with and contiguous to a prior vacation of a portion of Garden Avenue located west of the "Rails to Trails" property.

Easements will be reserved for existing utilities, pedestrian access and maintenance of the Pioneer Ditch, all within this segment of Garden Avenue. It is the City's intent to retain maintenance rights on behalf of all utility companies. Exhibit "C" of the attached Resolution reserves these rights.

RECOMMENDATION: That City Council:

1. Adopt the Resolution of Vacation, including reservations, for a portion of Garden Avenue between Fig Street and the west right of way of the "Rails to Trails" property;

2. Authorize the City Clerk to record the Resolution of Vacation.

ATTACHMENTS: Resolution
Exhibit "A" - Legal Description
Exhibit "B" - Map of Right of Way Vacation
Exhibit "C" - Reservations and Exceptions

Item No. 12
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING,
TO PUBLIC USE, A PORTION OF GARDEN AVENUE BETWEEN FIG STREET AND THE
WEST RIGHT OF WAY OF THE "RAILS TO TRAILS" PROPERTY

WHEREAS, by Resolution No. 33-2009, passed on May 5, 2009, the Council of the City
of Porterville declared its intention to vacate a portion of Garden Avenue, between Fig Street
and the west right of way of the "Rails to Trails" property, formerly known as the A.T. & S. F.
Railroad, hereinafter more particularly described, and set the hour of 7:00 p.m. on the 2nd day
of June, 2009, in the Council Chambers of said City as the time and place for hearing all
persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were
no protests, oral or written, to such vacation;

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the street
right of way hereinafter described is unnecessary for present or prospective right of way, and
the City Council hereby makes its order vacating said portion of Garden Avenue between Fig
Street and the west right of way of the "Rails to Trails" property which is described in the legal
description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The subject street vacation shall be subject to the reservations and
exceptions set forth in Exhibit "C" which is attached hereto and by reference made a part
hereof.

SECTION 3: The City Clerk shall cause a copy of this resolution to be recorded in the
office of the County Recorder of Tulare County, California.

SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution
and it shall thereupon take effect and be in force.

PASSED, ADOPTED AND APPROVED this 2nd day of June, 2009.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

____________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
Garden Avenue Vacation – City of Porterville

That portion of the Southeast quarter of the Southwest quarter of Section 25, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

BEGINNING AT the Southeast corner of Block “F” as shown on that certain map entitled “Map of J.P. Murry’s Addition to Porterville”, filed for record in Book 3 of Maps at Page 10 in the Office of the Tulare County Recorder;

THENCE, along the south line of said Block “F”, North 87°12’50” West, a distance of 298.82 feet to a point in the west line of the Southeast quarter of the Southwest quarter of said Section 25;

THENCE, along said west line, South 01°55’11” East, a distance of 60.20 feet to the intersection with the westerly prolongation of the south line of Garden Avenue;

THENCE, along the south line of Garden Avenue, South 87°12’50” East, a distance of 326.94 feet to an angle point in said south line;

THENCE, continuing along said south line South 89°27’45” East, a distance of 51.53 feet to the intersection with the south line of the Pioneer Ditch;

THENCE, along said south line of the Pioneer Ditch, North 74°13’52” West, a distance of 64.55 feet;

THENCE, departing said south line of the Pioneer Ditch, North 23°41’26” West, a distance of 48.57 feet to the POINT OF BEGINNING.

RESERVING UNTO the City of Porterville a 20 foot wide pedestrian access easement over and across the following described parcel:

BEGINNING AT the Southeast corner of Block “F” as shown on that certain map entitled “Map of J.P. Murry’s Addition to Porterville”, filed for record in Book 3 of Maps at Page 10 in the Office of the Tulare County Recorder;

THENCE, along the south line of said Block “F”, North 87°12’50” West, a distance of 148.31 feet;

THENCE, South 88°57’51” West, a distance of 150.02 feet to a point in the west line of the Southeast quarter of the Southwest quarter of said Section 25, said point also being the Northeast corner of a 20 foot wide pedestrian access easement reserved in favor of the City of Porterville by Document No. 2006-0127688, recorded December 11, 2006, Tulare County Records;
THENCE, along the west line of the Southeast quarter of the Southwest quarter of said
Section 25, South 01°55'11" East, a distance of 20.07 feet to the Southeast corner of said
existing 20 foot wide pedestrian access easement;

THENCE, North 88°57'51" East, a distance of 150.02 feet;

THENCE, South 87°12'50" East and parallel with the south line of Block "F", a distance
of 156.63 feet;

THENCE, North 23°41'26" West, a distance of 22.34 feet to the POINT OF
BEGINNING.

EXCEPTING THEREFROM all rights and interest associated with the Pioneer Ditch
as it presently exists.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance
with the Professional Land Surveyors Act.

Signature:  

Michael K. Reed, Licensed Land Surveyor

Date:  5-17-2009
EXHIBIT "C"

RESOLUTION NO.: ________

Reservations and Exceptions:

The City reserves and excepts from the vacation the permanent public utility easement and right at any time, or time to time, to construct, maintain, operate, replace, remove, renew, enlarge, and expand public utilities, and/or appurtenant structures in, upon, over and across any street or alley or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operations of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the street or alley or part thereof proposed to be vacated.
SUBJECT: SECOND READING – ORDINANCE 1754 – DEFERRING CERTAIN DEVELOPER IMPACT FEES

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION


RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1754, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1754
ORDINANCE NO. 1754


WHEREAS, on April 7, 2009 the City Council of the City of Porterville adopted an Interim Ordinance for the deferral of developer impact fees; and

WHEREAS, this ordinance will replace and nullify the April 7, 2009 Interim Urgency Ordinance; and

WHEREAS, the City Council further directed certain requirements established by the City Council at that time be incorporated into the City’s regulations;

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

1. SECTION 19A-11 IS AMENDED AS FOLLOWS;

19A-11: GENERALLY:

A development or redevelopment of any property, there shall be paid a storm drainage systems acreage charge in accordance with the cost per acre as established by resolution of the city council.

The charge shall be used to reimburse the city for construction of storm drainage systems, to provide the city with funds for construction of storm drainage systems and to reimburse others who have constructed or advanced the cost of construction of storm drainage systems. The charge shall be paid to the city prior to the issuance of a certificate of occupancy for development of any property. However, the charge shall not apply to redevelopment of any property unless the cost of said redevelopment exceeds fifteen thousand dollars ($15,000.00) within a twelve (12) month period. This valuation is to be adjusted, by resolution, each year to reflect changes in the cost of construction as indicated in the Engineering News Record.

Property for which development or redevelopment is being proposed which has already had the charge paid to the city, will not again be subject to the charge.

The charge shall be computed on the gross area of the property being improved, such area being defined as the parcel of land being developed or redeveloped including half of all adjacent dedicated streets and alleys, and all of interior dedicated streets and alleys.

The charge shall be levied and payable prior to issuance of a certificate of occupancy for a building constructed on any property within the City. (Ord. 1104, 3-15-1977)
2. **SECTION 19A-21 IS AMENDED AS FOLLOWS;**

**19A-21: WHEN NOT FEASIBLE:**

If in the opinion of the city council, construction of a storm drainage system is not feasible because the construction fund and/or the charges to be collected are insufficient to guarantee the construction of the storm drainage system, then the city council may pass a resolution in accordance with one of the following:

A. That the request, development or redevelopment is premature to the basic development or redevelopment of the general area as a whole and that such request, development or redevelopment is denied or held in abeyance.

B. That in the case of development or redevelopment that the developer or redeveloper pay such charges due as set forth in this chapter and detain on site all storm water runoff from said development or redevelopment by means or methods approved by the city engineer in such a way as to not cause any damage to properties receiving storm water overflows.

C. That the request, development or redevelopment necessitates a storm drainage system and that the construction thereof is not feasible only because the construction fund and/or the charges to be collected are deemed insufficient as set forth herein, and therefore said property owner, developer or redeveloper may pay such charges due as set forth in this chapter and construct or advance the cost of construction of the storm drainage system and that said costs over and above that which can be borne by the construction fund be reimbursed to the said property owner, developer or redeveloper, providing that the source of such reimbursement funds be the charges collected from other users of said storm drainage system and providing that such agreement terminate within twenty (20) years of the date thereof. (Ord. 1104, 3-15-1977)

3. **SECTION 19A-31 SHALL BE AMENDED BY REMOVAL;**

4. **SECTION 19A-33 IS AMENDED AS FOLLOWS;**

**19A-33: FINAL PAYMENT:**

Upon the expiration of thirty (30) days from the date of the notice of completion and upon full occupancy of the development or phased development, money shall be disbursed from the storm drainage systems construction fund to pay for or to reimburse others for the cost of all the work referred to in said notice of completion; said money disbursed shall be the actual value of the work completed, as determined by the city engineer (Ord. 1104, 3-15-1977)

Developer shall submit all documentation necessary to support final payment within ninety (90) days of full occupancy of the development or phased development. Failure to do so shall void developer's right to request reimbursements.
5. SECTION 19A-40 IS AMENDED AS FOLLOWS;

19A-40: ACREAGE FEE:

A. Purpose: In order to implement the goals and objectives of the storm drain master plan of the city, and to provide needed storm drainage facilities for new development in the planning area, certain public storm drain facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

B. Established: An acreage fee is hereby established, upon issuance of certificate of occupancy for development in the city, or upon creation of any additional runoff to the city's storm drain system to pay for storm drainage improvements. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of certificate of occupancy or upon creation of any additional runoff to the city's storm drain system. On an annual basis, this fee shall be adjusted by the public works director or designee in accordance with the "engineering news record construction cost index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city's future construction of storm drainage facilities described in the resolution enacted with this chapter, or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity.

D. Developer Construction Of Facilities: Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer shall be offered. The reimbursement amount shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the city shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this section. (Ord. 1104, 3-15-1977; Ord. 1440, 8-21-1990; Ord. 1614 ? 3, 9-17-2002)
6. SECTION 19-42 IS AMENDED AS FOLLOWS;

19-42: PURPOSE:

In order to implement the goals and objectives of the parks and recreation element of the city's general plan to acquire and develop park facilities, parks must be constructed or expanded commensurate with growth of the city. The city council has determined that a park impact fee is needed in order to assist in the financing of these public park improvements and to pay for new development's fair share, excluding expansion of existing development within the boundaries of the existing legally defined property, of the acquisition and development costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 66000. (Ord. 1567 ? 1, 1-19-1999)

7. SECTION 19-43 IS AMENDED AS FOLLOWS;

19-43: PARK IMPACT FEE:

A park impact fee is hereby established on issuance of certificate of occupancy for new development, excluding expansion of existing development, in the city. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the park impact fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this impact fee shall be paid prior to issuance of certificate of occupancy. On an annual basis, the fee shall be adjusted by the director of the public works department, or designee, in accordance with the "engineering news record construction cost index" publication. (Ord. 1567 ? 1, 1-19-1999)

8. SECTION 20-59 IS AMENDED AS FOLLOWS;

20-59: PURPOSE:

In order to implement the goals and objectives of the circulation element of the city's general plan and to improve and maintain the level of service of the community's infrastructure including streets and highways, transit, bicycle/pedestrian facilities, truck routes, and transportation system management strategies, certain public transportation facilities must be constructed or expanded commensurate with growth of the city. The city council has determined that a transportation impact fee is needed in order to assist in the financing of these public transportation improvements and to pay for new development's fair share, excluding expansion of existing development within the boundaries of the existing legally defined property, of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan. (Ord. 1558 ? 1, 5-20-1998)

9. SECTION 20-60 IS AMENDED AS FOLLOWS;
**20-60: TRANSPORTATION IMPACT FEE:**

A transportation impact fee is hereby established on issuance of certificate of occupancy for new development, excluding expansion of existing development, in the city. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the transportation impact fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this impact fee shall be paid prior to issuance of certificate of occupancy. On an annual basis, this fee shall be adjusted by the public works director or designee in accordance with the "Engineering News Record Construction Cost Index" publication. (Ord. 1558 ? 1, 5-20-1998; Ord. 1614 ? 3, 9-17-2002)

**10. SECTION 25-30 IS AMENDED AS FOLLOWS;**

**25-30: DEVELOPER CONSTRUCTION OF FACILITIES:**

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer shall be offered. The reimbursement amount shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the city shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this section. (Ord. 623 ? 3; Ord. 1438, 8-21-1990)

**11. SECTION 25-32.3 IS AMENDED AS FOLLOWS;**

**25-32.3: ACREAGE FEE:**

A. Purpose: In order to implement the goals and objectives of the water system master plan of the city, and to provide needed water facilities for new development in the planning area, certain public water facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following subsections, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

B. Established: An acreage fee is hereby established upon issuance of certificate of occupancy for development in the city, or upon connection to the city water system to pay for water system improvements. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this
development fee shall be paid by each developer upon issuance of certificate of occupancy or connection to the water system. On an annual basis, this fee shall be adjusted by the public works director department in accordance with the "Engineering News Record Construction Cost Index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city's future construction of water facilities described in the resolution enacted with this section, or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity. (Ord. 1231 ? A, 4-7-1981; Ord. 1438, 8-21-1990; Ord. 1614 ? 3, 9-17-2002)

12. SECTION 25-45 IS AMENDED AS FOLLOWS;

25-45: PREPARATION OF PLANS FOR NEW CONSTRUCTION BY CITY WHEN EXTENSION REQUESTED:

When requests for the extension of sewer mains are received as provided in section 25-44 of this article and when the deposit required by section 25-44 of this article has been made, then, if, in the opinion of the city manager, sewer facilities are necessary and the construction thereof feasible, he shall cause plans and specifications for the construction thereof to be prepared. (Ord. Code ? 3621)

13. SECTION 25-45 IS AMENDED AS FOLLOWS;

25-45.1: ACREAGE FEE:

A. Purpose: In order to implement the goals and objectives of the wastewater facilities master plan of the city, and to provide needed wastewater facilities for new development in the planning area, certain public wastewater facilities must be constructed. The city council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the city council has found the fee to be consistent with its general plan and, pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

B. Established: An acreage fee is hereby established upon issuance of certificate of occupancy for development in the city, or upon connection to the city sewer system for development in the city, or upon connection to wastewater facilities. The city council shall, in a council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment.
As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of certificate of occupancy or connection to the sewer system.

On an annual basis, this fee shall be adjusted by the public works director or designee in accordance with the "Engineering News Record Construction Cost Index" publication.

C. Limited Use Of Fees: The revenues raised by payment of this fee shall be placed in a separate and special account, and such revenues, along with any interest earnings on that account, shall be used solely to:

1. Pay for the city’s future construction of wastewater facilities described in the resolution enacted with this section, or to reimburse the city for those described or listed wastewater facilities constructed by the city with funds advanced by the city from other sources; or

2. Reimburse developers who have been required or permitted as set forth below, to install such listed wastewater facilities which are oversized with supplemental size, length, or capacity.

D. Developer Construction Of Facilities: Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer shall be offered. The reimbursement amount shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the city shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this section. (Ord. 1439, 8-21-1990; Ord. 1614 ? 3, 9-17-2002)

14. SECTION 25-96 IS AMENDED AS FOLLOWS;

25-96: FEES AND CHARGES:

The city may adopt fees and charges which may include:

A. Fees for reimbursement of costs of setting up and operating the city’s pretreatment program;

B. Fees for monitoring inspection and surveillance procedures;

C. Fees for reviewing accidental discharge procedures and construction;

D. Fees for permit applications;

E. Fees for filing appeals;

F. Fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards; and

G. Other fees as the city may deem necessary to carry out the requirements contained herein.
These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the city and when new development occurs, collectable upon issuance of a certificate of occupancy. (Ord. 1636 ? A, 7-1-2003)

PASSED, ADOPTED AND APPROVED this 2nd day of June, 2009.

BY:

__________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

__________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: SECOND READING – ORDINANCE 1755 – PROHIBITING MODEL AND REMOTE CONTROLLED AIRCRAFT AT PORTERVILLE AIRPORT

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1755, An Ordinance of the City Council of the City of Porterville Adding Section 4-11.35 to Chapter 4, Article XI, Airport – Illegal Activities, of the Porterville Municipal Code, to Prohibit Model and Radio Controlled Aircraft at or Near the Porterville Municipal Airport, was given first reading on May 19, 2009 and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1755, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1755

Item No. 14
ORDINANCE NO. 1755

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 4-11.35 TO CHAPTER 4, ARTICLE XI, AIRPORT – ILLEGAL ACTIVITIES, OF THE PORTERVILLE MUNICIPAL CODE, TO PROHIBIT MODEL AND RADIO CONTROLLED AIRCRAFT AT OR NEAR THE PORTERVILLE MUNICIPAL AIRPORT

The City Council of the City of Porterville does hereby ordain as follows:

SECTION 1: Section 4-11.35 – Model and Radio Controlled Aircraft, is hereby added to Chapter 4, Article XI of the Porterville Municipal Code, and will read as follows:

Section 4-11.35: Model and Radio Controlled Aircraft: No model or radio controlled aircraft will be allowed on or above Porterville Municipal Airport property nor on any City property adjacent to the Porterville Municipal Airport nor any property within the City of Porterville that is under or near the pattern for aircraft or air vehicles at the Porterville Municipal Airport.

SECTION 2: The City Clerk is hereby directed to cause this ordinance to be published once in a newspaper of general circulation in the community.

SECTION 3: The City Clerk is further directed to cause this ordinance to be codified after its adoption.

SECTION 4: This ordinance shall take effect and be in full force thirty (30) days after its final passage and adoption.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

__________________________
By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

SOURCE: ADMINISTRATION

COMMENT: On August 21, 1990, the City of Porterville entered into an Agreement with the Porterville Chamber of Commerce for the purpose of having the Chamber provide contributing support in conducting and maintaining certain Chamber programs and activities which best achieve the community promotion objectives of the City. Under the terms of the Agreement, the Chamber is compensated by the City for actively promoting civic, social, and cultural events and activities; disseminating information relative to promoting the advantages of Porterville; and, for asserting positive community values.

Section V of the Agreement requires the Agreement to be reviewed annually to determine whether it should be amended to increase or decrease the scope of services contracted for and the base amount allotted and payable to the Chamber under the terms thereof. This provision was intended to prevent an automatic and obligatory annual commitment of municipal funds in times of limited revenues, and to validate charges for services actually provided or expected. Information required to be provided the City by the Chamber prior to the Council’s annual review of the Agreement includes (1) Annual Chamber Activity Report; and (2) Current Financial Statements. The required Activity Report and Financial Statements were received from the Chamber on May 28, 2009, and are attached hereto for the Council’s annual review.

In accordance with the Agreement, the Chamber has officially requested the annual performance allotment of $35,000 for FY 2008/2009. Unless the Agreement is amended following an annual review, payments of $35,000 can be made annually to the Chamber by the City on or before September 1st of each year (in this instance, 09/01/09), but in no event earlier than City Council receipt, and acceptance, of the requisite Chamber Reports.

Item No. 15

[Signatures]
Subsequent to Council review and acceptance of the Chamber’s Activity Report and current Financial Statements, no action is required to maintain the level of services rendered, or the base compensation to be received, as set forth in the Agreement. However, should the Council decide to modify services or compensation for FY 2009/2010, such a modification requires an affirmative Council action, and a written amendment to the Agreement which must be executed by a representative of both the City and the Chamber. Included in the Community Promotions Budget for FY 2008/2009 was $35,000 for the City/Chamber Agreement.

RECOMMENDATION: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget.

ATTACHMENTS: 1. City/Chamber Agreement
2. Chamber Annual Activity Report
3. Chamber Annual Financial Statements
AGREEMENT BETWEEN

THE CITY OF PORTERVILLE AND

THE PORTERVILLE CHAMBER OF COMMERCE

This agreement is made and entered into on the 4th day of September, 2006, by and between the CITY OF PORTERVILLE, hereinafter referred to as “City”, and the PORTERVILLE CHAMBER OF COMMERCE, hereinafter referred to as “Chamber,” both of whom understand and agree as follows:

WHEREAS, the City is desirous of maintaining and asserting positive community values, of disseminating information relative to promoting the advantages of Porterville, and of supporting public interest activities; and

WHEREAS, Section 37110 of the Government Code of the State of California authorizes the expenditure of not more than five percent (5%) of monies accruing to the General Fund in any one fiscal year for music and promotional activities, including promotion of sister city and town affiliation programs; and

WHEREAS, the Chamber is actively engaged in promoting civic, social, and cultural events and activities, and is therefore believed to be organized, equipped, and capable of conducting promotional activities on behalf of the City; and

WHEREAS, it is not the intent of the City to fully underwrite, subsidize, or sponsor any particular program or activity, but to provide contributing support towards the maintenance and continuance of certain existing programs and activities of the Chamber, which best achieve the promotional objectives of the City.
NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

I. Chamber Responsibilities. The Chamber shall:

A. Continue to carry on programs and promotional activities that include:
   
   1. Mail solicitations, information pool, referral services, and the visitor information bureau.

   2. Holiday advertising campaigns, and the design and construction of the Porterville booth for the Tulare County Fair.

   3. Printing and distribution of informational pamphlets and brochures.

B. Assume all duties and responsibilities relating to the following:

   1. Locating, scheduling, coordinating, and programming for Centennial Park's Friday night activities for September, October, April, May, and June except for the two Fridays coinciding with the Porterville Fair and local high school graduations. Events will include music venues at the Centennial Gazebo, and special themes (i.e. Farmer's Market, Art in the Park, Arts & Crafts Booths, and Community Focus). The City will provide logistical support.

   2. Providing any other assistance as may be mutually agreed upon from time to time during the period of this Agreement.

C. By May 15 of each year, furnish an annual activity report to the City covering the prior year's promotional programs and activities for the reporting period from May 1 through April 30, with specific emphasis on sufficient relevant information to satisfy the terms and intent of this Agreement as heretofore enumerated. The Chamber shall also furnish the City with copies of its annual financial reports within thirty (30) days after they are prepared.

II. Payment By City. As consideration for the above-mentioned responsibilities, the City shall, during the term of this agreement, pay the Chamber the sum of Thirty-Five Thousand Dollars ($35,000.00) per year. Such annual payments shall be made on or
before September 1 of each year, commencing in 2006. However, such annual payments shall not be made until the City receives and reviews the annual activity report referred to in paragraph I(C) for the proceeding reporting period (May 1 through April 30).

III. Term. This agreement shall be in effect commencing date of execution of this Agreement and shall continue in effect until June 31, 2007, and thereafter on a year-to-year basis, beginning on July 1 of each year, until terminated according to paragraph IV of this Agreement.

IV. Unilateral Termination. This Agreement may be terminated by either party, and for any reason, providing thirty (30) days written notice to the other. This Agreement shall terminate forthwith thirty (30) days following the date such notice is received by the non-terminating party.

V. Annual Review. This Agreement shall be reviewed annually to determine whether it should be amended to increase or decrease the amount of consideration required of either party, including the amount payable to the Chamber. Subject to City budgetary limitations, any increases or decreases shall be based on services provided and expected to be provided during the then current and next fiscal years by the Chamber, and the expected tax revenues to the City from business activities during the then current and next fiscal years.

VI. Amendment. This Agreement may be amended or modified only by a writing signed by both parties. Failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provisions.

VII. Assignment. This Agreement shall not be assigned by the Chamber without the written consent of the City, and such consent may be withheld for any reason.

VIII. Notices. All notices required by the Agreement shall be in writing and delivered in person or sent by registered mail, postage prepaid.
IX. Relationship of Parties. It is understood that the contractual relationship of the Chamber to the City is that of an independent contractor.

CITY:

[Signature]
Cameron Hamilton, Mayor

ATTEST
John Longley

By:
[Signature]
John Longley, City Clerk

CHAMBER:

[Signature]
Donnette Silva Carter
President/CEO

[Signature]
Greg Woodard, Chair
Chamber Board of Directors

APPROVED AS TO FORM:

[Signature]
Julia Lew, City Attorney
May 26, 2009

The Honorable Cameron “Cam” Hamilton
Mayor, City of Porterville
291 N. Main Street
Porterville, CA 93257

Dear Mayor Hamilton and Members of the Council:

The Porterville Chamber of Commerce celebrated another successful year of operation, our 101st, in Fiscal Year 2008 (November 1, 2007 - October 31, 2008). The focus of the fiscal year was on the maintenance and enhancement of the existing program of work while effectively serving Porterville businesses and the community.

This was the first full year of implementation of the adjusted City contract agreement services which included full Fall and Spring Concert Series events in Centennial Park. The addition of a second community showcase night during the concerts proved valuable to our local non-profit organizations seeking more opportunities to feature their good works programs. The Chamber continued its coordination of the community branding initiative which saw the launch of new youth projects, efforts to develop a city tagline, study of blighted community areas with follow-up recommendations for action, and advocacy for an expanded redevelopment area and standardization of guidelines for the aesthetics of downtown.

The Chamber followed a comprehensive plan of action to engage in varied efforts for community and business promotion contributing to the achievement of the promotional objectives of the City. Promoting civic, social, business, education, and cultural events and activities is keeping within our mission and core competencies, and is vital to the continued development of the quality of living our residents and business owners expect.

Another very successful Iris Festival event was coordinated to celebrate our city’s flower and provide an opportunity for tourism traffic and local family involvement. The event continued to grow in its 10th anniversary year and welcomed over 25,000 attendees. Local lodging facilities reported they sold-out of rooms, and numerous downtown and other businesses continue to indicate an increase in activity. The second year offering of a Community Corner met with increased interest from our good works organizations who reported success in taking advantage of this occasion to promote their missions and activities while also recruiting volunteers. We were pleased to continue to offer this venue which not only provides a collaborative effort for community involvement, but also serves as a premier Porterville event for community promotion and the generation of tourism revenue.
At the request of the City, the Chamber stepped forward to assist with the resurrection of a new and improved community air show and fly-in event. Our role in this collaboration was to: spearhead promotional efforts; coordinate vendor recruitment, placement, compliance, and monitoring; provide a stocked volunteer hospitality area; and, contribute to the overall committee process. We welcomed the chance to step-up and utilize our resources to provide valuable media sponsorships, donations, in-kind services, and volunteer staffing.

The 5th Annual Sierra Business Conference maintained its popularity with new offerings for thought-provoking business and community consideration. First Friday Coffees and Mixers remained strong in participation as our local businesses sought more opportunities to connect with others for business success. The past fiscal year brought the continuation of jointly presented employer workshops with the City and other partners to keep our businesses aware of critical issues, and assist with business retention and expansion. Additionally, the Chamber served as an advocate for business, communicating a pro-business message to state and federal elected officials in an effort to combat job killer bills and create an environment for business growth and prosperity.

Enclosed, please find our 2008 Fiscal Year activity report, which includes City Agreement activities, and also a financial review. The presentation of additional Chamber activity is provided within the report to allow for a more comprehensive review of the breadth of the Chamber’s program of work and impact. The activity and financial reports are presented for your review in accordance with the “Agreement Between the City of Porterville and the Porterville Chamber of Commerce.” This letter serves as the Chamber’s official request for the disbursement of the City’s budgeted 2008/2009 agreement allotment to the Porterville Chamber of Commerce of $35,000.

We continue to enjoy the opportunity to provide contracted (and non-contracted) services in partnership with the City Council and City staff as we work collaboratively for the betterment of our local economy and quality of living. Through performance achievement, it is evident that the Chamber’s ability to leverage resources to the benefit of the City and our residents and businesses creates a winning partnership for Porterville. At the pleasure of Council, the Chamber’s intent is to continue with the agreement services, as proposed in the City budget, for your FY2009-2010.

Sincerely,

Agustin ‘Augie’ Gonzalez, Board Chair

Donnette Silva Carter, President/CEO
Annual Report
to the Porterville City Council
City of Porterville

2008 Fiscal Year

Porterville Chamber of Commerce
In compliance with the agreement between the City of Porterville and the Porterville Chamber of Commerce, the Chamber has met and exceeded its obligation to provide tourism promotion, relocation and visitor assistance, community promotion, coordination of the Centennial Park Friday night activities, and support of sister city and town affiliation programs. These agreement services, and a highlight of other accomplishments for the Chamber’s Fiscal Year 2008, are outlined below:

- The Chamber sponsored the 10th anniversary Annual Iris Festival to provide a spring event for family entertainment, tourism, and the celebration of our city’s official flower, the purple iris. This event was widely advertised locally, regionally and statewide and included in national publications. The 2008 Iris Festival once again saw the Chamber involved in collaborative efforts with various local groups and area activities held that day including Porterville Celebrates Reading, the Porterville Gleaning Seniors’ Pancake Breakfast, and Porterville Art Association Spring Art Walk.

- Served as the community’s active visitor information bureau by providing community information on recreational activities, entertainment, special events, lodging, restaurants, etc. to an average of over 300 phone, internet and walk-in contacts per month.

- Moved forward with plans to enter into an agreement with the U.S. Forest Service, Tule River Tribal Council, City of Porterville and Ennis Commercial Properties for the building of the Southern Sequoia Visitors Center at Riverwalk Market Place. Entered into an MOU with the U.S. Forest Service for staffing and other support of the Center.

- Promoted the community through the distribution of materials including the Chamber produced Business & Community Resource Directory. Distribution included local businesses, visitors, relocating individuals, business prospects, and others. Product includes information on City and Chamber services, the schools, recreation opportunities, good works organizations, businesses and more.

- Supported the City of Porterville in its economic development efforts by maintaining our collaborative Economic Development Committee and by providing information to City staff on those businesses who contact the Chamber with an interest in locating in Porterville. The Chamber fulfills the requests from interested parties for information about community demographics, real estate availability, the retail industry, community events, and recreational opportunities. Further supported economic development efforts through the Chamber’s staff and director’s representation on the Tulare County Economic Development Corporation.

- Expanded the Centennial Park Music on Main Street Concert program to include both Fall and Spring Concerts and the inclusion of Community Showcase nights, along with the provision of the opportunity for crafters and food vendors to participate.

- Sponsored and participated in the Sequoia Adventures Expo to promote Porterville amenities and local ‘stay-cations’.
Continued providing partnership support for business counseling and workforce services to start-up and existing businesses. Partners included the City of Porterville, Tulare County Workforce Investment Board, and Small Business Development Center.

Promoted tourism in Porterville and the surrounding area to gain the economic impact tourism traffic provides to a community. Expanded our presence in various publications and participated in a county-wide marketing effort in the California Travel & Tourism Guide produced by Sunset Magazine.

Staff represented the Sequoia Valley Region/Tulare County/Porterville at the International PowWow Event for tourism promotion. The Porterville and Tulare County amenities were promoted to travel writers, travel coordinators from foreign and US venues, and tourism based media outlets.

Actively participated in the launch of the local entrepreneurship program partnering with Porterville College, the City, Porterville Unified School District, Tulare County EDC, and the CSUF Lyles Center for Innovation.

Assumed significant roles in the planning and presentation of the Eagle Mountain Airshow & Fly-in. The Chamber leveraged membership and other resources to enhance the value of promotional efforts resulting in a comprehensive marketing plan.

Provided information and referral (and other requested) support for established and new community projects/events such as; the Porterville Fair, Rollin Relics Car Show, Independence Day - July 4th Fireworks Extravaganza, Porterville Celebrates Reading, Jackass Mail Run, Veteran’s Day Parade, Sierra Winter Classic, Kid’s Day in the Park, Tule River Tribal Council Pow Wow, City of Hope Spectacular, Cinco de Mayo Celebration, Flag Day Ceremony, Lion’s Brewfest, Orange Blossom Classic, local health fairs, and more.

The Chamber fulfilled requests from individuals researching or planning relocation to Porterville, and from employers planning recruitment campaigns. On the average, we received 25-40 contacts/requests per month.

Constructed Porterville a community booth at the Porterville Fair with the purpose of highlighting the offerings of our businesses and community.

Promoted community attractions through various media outlets – ie television, radio, internet, internet radio, and print.

Continued the advocacy efforts for expansions of both Highway 65 and Highway 190.
Over 1200 community visitor packets were distributed at special events, professional conferences and club activities. The materials in these packets provide information about our community and promote our local businesses. Some of those events were: Sierra Winter Classic and Orange Blossom Classic.

Provided representation on various City Committees including Zone Ordinance, Redevelopment Advisory Committee, and Hillside Ordinance Committee.

Participated in meetings of the California Partnership for the San Joaquin Valley.

The Chamber maintained membership in the Sequoia Valley Visitor’s Council which promotes tourism for Tulare County. Our participation in this effort included supporting our President/CEO’s leadership role as the Chair of this organization. Assisted in the production of the county-wide Recreation Trails Map which included promotional information on our community.

Participated in the International Ag Expo Visitor Center to provide information and referral to visitors from around the world. Materials on Porterville were distributed. Additionally, we saw to the inclusion of Porterville lodging and restaurant sites in the Tulare County brochure and web page prepared for the Expo.

Co-sponsored, with the Employment Development Department, City of Porterville, Employment Connection, and the Employer Advisory Council, valuable and low cost employer seminars to keep local businesses up-to-date on important issues which impact their operation i.e. labor laws and compliance. The Chamber provided marketing and administrative support in addition to coordination.

Worked with the Tulare Kings Hispanic Chamber and the Tulare, Lindsay, Dinuba, Visalia and Exeter Chambers of Commerce to increase business connectivity Tulare County.

Maintained our partnership and participation in the Tulare County Workforce Investment Board Employment Connection for the promotion of workforce resources for our residents and the providing of services to businesses.

Continued the presentation of First Friday Coffee monthly events providing the opportunity for local business/organization highlighting and the presentation of community activities and other items of interest to the business public.

Presented the annual Children’s Christmas Parade in cooperation with the Rotary Club of Porterville, and the City of Porterville.

Maintained a website presence through which we receive daily requests for information about the community from individuals and businesses. Requests are received from throughout the United States and many foreign countries as well.
Facilitated a Business Missions to China and Ireland to provide the occasion for the cultural and business exchange of information and ideas. Chamber travelers visited international business sites, participated in a conference, and also enjoyed networking during the trips.

Coordinated the “School Administrator for a Day” project whereby local business representatives and community leaders were placed in education sites. This project continued to provide a unique opportunity to strengthen the relationship between business and education in our community; create a greater awareness of the educational process in Porterville; and, increase the knowledge of our educators as to the training and education necessary to secure employment in our local workforce. It is the hope of the Chamber that the insights gained by both educators and business leaders will be invaluable as schools work to meet the challenges of preparing the future workforce.

Maintained an active Government Affairs presence with the goal of advocating on behalf of business in our community. Representatives participated in the California Business Legislative Summit and also provided testimony before hearings in order to advocate for positive business legislation for our local businesses. The Chamber continued its membership in the regional Business, Industry & Government group, and also participated with the U.S. Chamber of Commerce and the CalChamber to advocate for business.

Supported the efforts of many community organizations by serving as an information center for local social, cultural, business and miscellaneous events.

Continued to support the Leadership Porterville program, a valuable project which promotes civic leadership by training and educating emerging community leaders.

Co-sponsored, with the Tulare County Office of Education and Porterville Unified School District, Porterville’s fifth COOL Night South Middle School College & Career Expo. This exciting program provides a local venue for middle school students and their parents to learn about career/vocation options, colleges and financial support, and local high schools and their campus activities. The goal is to provide students with education about and motivation to attend high school as the first step toward workforce preparedness, while also introducing them to careers and college.

Served in an advisory capacity with the development of Harmony Magnet Academy.

Participated in the City of Porterville Partners Network.

Coordinated candidate forums for various elected seats to provide the opportunity for local residents to become well-informed voters.

Worked collaboratively with the Tulare and Visalia Chambers and our state legislators to present a Town Hall Health Forum.
Continued support of the community Mural Project Committee. This project contributes to community beautification, downtown redevelopment, and tourism attraction.

Again presented an expanded and sold-out Business Showcase trade show event to promote business to business marketing in Porterville.

Presented the fifth Sierra Business Conference – an informational, educational and motivational event for business people in our area. Secured a widely recognized international presenter and recognized columnist Ruben Navarrette.

In partnership with the Porterville Police Department, introduced the Anti-Auto Theft Reward Program and continued the Anti-Graffiti Reward Program.

Held 12 monthly mixers for business networking in Porterville.

Hosted numerous local ground breaking and ribbon cutting events in the community.

Sponsored six local community blood drives.
<table>
<thead>
<tr>
<th>Ordinary Income/Expense</th>
<th>Nov '07 - Oct '08</th>
<th>Budget</th>
<th>$ Over Budget</th>
<th>% of Budget</th>
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<tr>
<td>Business &amp; Education</td>
<td>6,600.00</td>
<td>6,500.00</td>
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<td>Business Travel Missions</td>
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<td>City of Porterville Income</td>
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<td>3,083.75</td>
<td>2,700.00</td>
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<tr>
<td>Total Music on Main*</td>
<td>10.00</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Misc. Income</td>
<td>1,941.80</td>
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<td>Total Reimbursed Expense</td>
<td>-9.00</td>
<td>1,000.00</td>
<td>-1,009.00</td>
<td>-9.9%</td>
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<td>650.00</td>
<td>-50.00</td>
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<td>-3,075.00</td>
<td>93.36%</td>
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<td>0.0%</td>
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<td>Nov '07 - Oct '08</td>
<td>Budget</td>
<td>$ Over Budget</td>
<td>% of Budget</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>-------------------</td>
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<td>8,150.00</td>
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<td>Total Building Expenses</td>
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<td>369.73</td>
<td>750.00</td>
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<td>Total Christmas Parade Exp</td>
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<td>Computer, Programming, Training</td>
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<td>6,500.00</td>
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<td>Employee-Recognition</td>
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<td>700.00</td>
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<tr>
<td>Insurance - Directors</td>
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<td>Late Fees</td>
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<td>Total Iris Festival Expenses</td>
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<td>8,250.00</td>
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<tr>
<td>Description</td>
<td>Nov '07 - Oct '08</td>
<td>Budget</td>
<td>$ Over Budget</td>
<td>% of Budget</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>------------------</td>
<td>---------</td>
<td>---------------</td>
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<tr>
<td>Misc. Expense</td>
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<td>Retreat</td>
<td>0.00</td>
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<td>0.00</td>
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<td>0.0%</td>
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<td>Total Sierra Business Conference Expe</td>
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<tr>
<td>Net Income</td>
<td>35,242.61</td>
<td>16,725.00</td>
<td>18,517.61</td>
<td>210.72%</td>
</tr>
</tbody>
</table>
CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2009-2010 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES

SOURCE: City Manager

COMMENT: Consistent with the calendar approved in the development of the City Budget, the City Manager’s draft budget is presented for the City Council’s consideration. The customary process involves the Council’s consideration of the draft budget through study session and public hearing.

Staff recommends the budget study session be held on June 9, 2009 at 7:00 PM and the public hearing be set for the next regular council meeting on June 16, 2009.

RECOMMENDATION: That the City Council:

1. Schedule the Fiscal Year 2009-2010 budget study session on June 9, 2009 at 7:00 PM.

ATTACHMENTS: Preliminary Budget provided under separate cover.
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Performance Self-Evaluation of the City Council

SOURCE: City Manager

COMMENT: At the Council meeting of April 7, 2009, Councilmember Pedro Martinez requested that an item be added to a future meeting Agenda for the City Council to discuss the performance and effectiveness of the City Council this past fiscal year. Councilmember Pedro Martinez has expressed an interest in seeing the Council undertake activities to build cohesiveness and a sense of “team” and to further define/refine how the Council wishes to operate.

RECOMMENDATION: None

ATTACHMENT: None
AGENDA: JUNE 2, 2009

JOINT MEETING OF THE PORTERVILLE CITY COUNCIL AND PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: CONSIDER A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY ESTABLISHING AN EMINENT DOMAIN POLICY AS THAT POLICY PERTAINS TO THE EXISTING AREA AND THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO.1 AND FINDING THAT A PROJECT AREA COMMITTEE IS NOT REQUIRED FOR THE 2010 AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: The original Redevelopment Plan, which was adopted on July 10, 1990, granted the Agency the authority to acquire property by eminent domain, but specifically limited said authority by barring its use to acquire “any single-family residential units in Sub-Area 1 regardless of zoning if occupied by a low or moderate income person or family as of the date of the adoption of this Redevelopment Plan.” During the time the Agency had eminent domain authority, no eminent domain action was ever commenced. This is consistent with the Agency’s commitment to exercise such authority solely as a “last resort” measure.

The Agency is in the process of amending the existing Plan for the purpose of adding territory to the existing Project Area. The proposed boundaries of the added territory and the Preliminary Plan for this added territory have been adopted by the City Council acting as the Planning Commission and the Redevelopment Agency.

In relation to the proposed Amended Plan, it is now appropriate for the Agency to revisit this subject and establish its eminent domain policy for both the existing area and the added territory. This is a vital step as the eminent domain policy must be in place before the Agency can determine whether a Project Area Committee (PAC) is required to be formed for the Amendment. Also, a clear and specific eminent Domain Policy is essential to successfully address community concerns about eminent domain, as well as for long-term implementation of the Amended Plan. The power of eminent domain could definitely be a very valuable tool in working toward the elimination of blight on some very obvious properties both within the original Project Area and the proposed additional area.

Eminent domain authority is subject to all requirements of law, including Proposition 99, which was approved by voters in 2008 and prohibits “acquiring by eminent domain an owner-occupied residence for the purpose of conveying it
to a private person”. In addition, the City Council would need to reconsider Resolution 101-2005, adopted by the City’s Council in 2005, which pledges not to use the City or the Agency’s powers of eminent domain authority to condemn private property for economic development purposes.

The Redevelopment Advisory Committee has discussed this issue and had no objections to reinstating eminent domain authority in the existing Project Area nor establishing it in the proposed amended territory. Specifically, the proposed policy states that “Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, all real property located within the existing Project Area and within the Added Territory by gift, devise, exchange, purchase, or any other means authorized by law including the use of eminent domain, except that this Amended Plan does not authorize the Agency to acquire, by eminent domain, property on which any persons reside”.

Attached to this summary is a more detailed explanation of the legal requirements and options available to the City Council and Agency.

RECOMMENDATION: That the City Council:


That the Redevelopment Agency:

1. Approve Option 2 and adopt the attached Draft Resolution Establishing an Eminent Domain Policy for existing and added territory as that Policy pertains to the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1;
2. Approve a budget adjustment in the amount of $35,500 from Redevelopment Fund Balance for additional study and new findings in the existing Redevelopment Project Area; and
3. Find that a Project Area Committee is not required for the 2010 Amendment

ATTACHMENT:

1. Options for an Eminent Domain Policy
2. Detailed Staff Report
3. Draft Resolution Amending Resolution 101-2005
4. Draft Resolution Establishing Eminent Domain
5. Map of Sub-Area 1
OPTIONS FOR AN EMINENT DOMAIN POLICY

Option 1: No Limitation Policy – would provide the Agency with authority “to acquire by condemnation all or part of the real property in the project.”

PROS:
1. The broadest possible range of redevelopment tools would be available to achieve its goals.
2. No additional study and blight findings or additional cost would be necessary with respect to the Added Territory;

CONS:
1. Reinstatement of eminent domain authority in the existing area would require additional study and new findings of blight at an additional cost of $35,500. This additional cost would be funded by RDA Fund Balance;
2. A PAC is required when eminent domain authority includes real property on which any persons reside, thus necessitating additional time and cost;
3. Possible conflict with the City Council’s previous pledge not to use powers of eminent domain to condemn private property for economic purposes;
4. Specific limitations on use of eminent domain authority to acquire residential property, now codified in the State Constitution (Proposition 99), limits this option’s effectiveness.

Option 2: Limited Eminent Domain Authority Policy – would bar the use of eminent domain to acquire real property on which any persons reside in the existing and added territory.

PROS:
1. The Agency would be provided an additional redevelopment tool only to be used as a last resort;
2. A PAC would not be required to be formed;
3. No additional study and blight findings or additional cost would be necessary with respect to the Added Territory;
4. Protection from eminent domain authority is extended beyond that provided by Proposition 99 to all properties on which persons reside.

CONS:
1. Reinstatement of eminent domain authority in the existing area would require additional study and new findings of blight at an additional cost of $35,500. This additional cost would be funded by RDA Fund Balance;
2. Possible conflict with the City Council’s previous pledge not to use powers of eminent domain to condemn private property for economic purposes;

Option 3: No Eminent Domain Authority – would prohibit the use of eminent domain authority.

PROS:
1. No additional study and blight findings or additional cost would be necessary with respect to the Added or Existing Territory;
2. A PAC would not be required to be formed;
3. No conflict with the City Council’s previous pledge not to use powers of eminent domain to condemn private property for economic purposes.

CONS:
1. The Agency would be barred from using an appropriate redevelopment tool;
2. The Agency will lose an opportune time to undertake this amendment action given the ongoing proceedings to amend the Plan.
CITY COUNCIL REPORT – ESTABLISHING AN EMINENT DOMAIN POLICY
City of Porterville
June 2, 2009

SUBJECT: Consider a Resolution of the Porterville Redevelopment Agency Establishing an Eminent Domain Policy as That Policy Pertains to the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1, and Finding That a Project Area Committee Is Not Required for the 2010 Amendment

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On July 10, 1990, by Ordinance No. 1436, the City Council of the City of Porterville (the "City Council" and "City," respectively) adopted the Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project Area No. 1 (the "Original Project" or "Original Project Area," depending on context) pursuant to the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, et seq.). The City Council amended the Original Plan by Ordinance No. 1504 adopted December 15, 1994, to establish time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (AB 1290), and by Ordinance No. 1655 adopted July 7, 2004, to remove six parcels from the Original Project Area (hereafter referred to as the "Existing Project" or "Existing Project Area," as applicable) and modify certain Plan time limits as permitted by law.

The Plan for the Original Project contained Agency authority to acquire property by eminent domain, but specifically limited said authority by barring its use to acquire "any single-family residential units in Sub-Area I regardless of zoning if occupied by a low or moderate income person or family as of the date of the adoption of this Redevelopment Plan."  The Plan's eminent domain authority for the Original Project "expired" twelve years from the date of Plan adoption, or on July 10, 2002, and said authority has not been extended or reinstated by a redevelopment plan amendment as permitted by CCRL Section 33333.4(g)(2).

During the 12 years the Agency had eminent domain authority in the Original Project Area (1990-2002), no eminent domain action to acquire property was ever commenced. This is consistent with the Agency's commitment to exercise such authority solely as a "last resort" measure, a circumstance that never occurred.

The Porterville Redevelopment Agency (the "Agency") has initiated an amendment (the "2010 Amendment" or "Amendment") to the existing Plan (hereafter, as proposed to be amended by the 2010 Amendment, the Plan is referred to as the "Amended Plan") for the purposes of adding territory (the "Added Territory") to the Existing Project Area (hereafter, the Existing Project Area and the Added Territory are collectively referred to as the "Project Area"),

1 Sub-Area I of the Original Project Area is that portion of the Existing Project Area north of Olive Street.
and modifying the Amended Plan's projects and programs list specific to the Existing Project Area as may be necessary.

On April 07, 2009, by Resolution No. 27-2009, the Planning Commission, working with Agency staff and advisors, selected and designated the boundaries of the Added Territory and approved a preliminary plan (the "Preliminary Plan"), including, as Appendix A, a map of the Added Territory and Existing Project Area. By its Resolution No. PRA 2009-03, on April 07, 2009, the Agency accepted the Preliminary Plan from the Planning Commission and approved the Planning Commission's proposed Added Territory boundaries.

ESTABLISHING AN EMINENT DOMAIN POLICY AND PROGRAM

It is now appropriate for the Agency to establish its eminent domain policy (the "Eminent Domain Policy") to be codified within the Amended Plan with respect to the Added Territory and the Existing Project Area as appropriate. The Eminent Domain Policy must be in place before the Agency can determine whether a project area committee (PAC) is required to be formed for the 2010 Amendment pursuant to CCRL Sections 33385 and 33385.3. Establishing a clear and specific Eminent Domain Policy is also essential to successfully address community concerns about eminent domain, as well as for long-term implementation of the Amended Plan.

Requirement for a Project Area Committee (PAC)

CCRL Section 33385.3(a) requires that if a PAC does not exist, and the Agency proposes to amend the Plan, the Agency shall establish a PAC pursuant to CCRL Section 33385 if the proposed redevelopment plan amendment would do either of the following:

(1) Grant the authority to the agency to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low- and moderate-income persons reside; or

(2) Add territory in which a substantial number of low- and moderate-income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added territory. The project area committee may be composed of persons from only the added territory or both the added territory and the existing project area.

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2 In the City of Porterville the City Council acts as the Planning Commission; as such, future references to the Planning Commission shall mean the City Council acting as the Planning Commission of the City of Porterville.

3 On April 07, 2009, the City Council adopted Resolution No. 26-2009 (which replaced Resolution Nos. 110-89 and 77-2008 adopted on August 22, 1989, and August 17, 2008, respectively), which designated a redevelopment survey area include certain areas of unincorporated Tulare County; the Resolution also directed the Planning Commission to work with the Agency to designate boundaries for the Added Territory.
2010 Amendment ED Policy Options

Several options exist with respect to establishing the Agency’s ED Policy for the Existing Project Area and the Added Territory, respectively. CCRL Section 33342 states that a redevelopment plan may provide eminent domain authority to the agency; CCRL Section 33342.7 states that a redevelopment plan (or, as in this case, a redevelopment plan as amended) shall describe the Agency's program to acquire real property by eminent domain.

The Agency's eminent domain authority and consequent program is subject to all requirements of law, including Proposition 99 (discussed below) and applicable provisions of the CCRL, among other things. Any eminent domain authority contained in the Amended Plan would "sunset" no more than twelve (12) years from the date of Amendment adoption, unless an earlier date were specified or the Plan concludes earlier. Once adopted, the Agency's authority and program to acquire property by eminent domain may be changed (or reinstated) only by further amendment to the Amended Plan pursuant to CCRL requirements. Each option described below could be made applicable to either the Added Territory or the Existing Project Area, to both, or to neither.

Option 1: No Limitation Policy

Option 1 would provide the Agency with authority "to acquire by condemnation all or part of the real property in the project." Language could be incorporated in the Amended Plan reflecting the Agency's historical commitment that such authority would be used only as a measure of last resort should the circumstance arise.

The primary advantage of Option 1 is that the broadest possible range of redevelopment tools, including authority to acquire residential property to the extent permitted by law, would be available to the Agency to achieve its redevelopment goals and objectives in the Existing Project Area and/or the Added Territory through the successful implementation of the Amended Plan.

Disadvantages of Option 1 include, but are not limited to: i) (Existing Project only) reinstatement of eminent domain authority would require additional study and new findings of blight in the Existing Project Area at additional cost to the Agency; ii) a PAC is required when eminent domain authority includes real property on which any persons reside, thus necessitating additional time and cost to address PAC formation and procedures before Amendment adoption may be considered; iii) possible conflict with the City Council's previous pledge not to

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4 With respect to the Existing Project, the effective life of the Plan is set to conclude in 2030; however, should the Agency opt to amend the Plan and adopt the two-year ERAF “redevelopment plan effective life” extension per SB 1096 (August 5, 2004), the Plan would be extended to 2032.

5 CCRL Section 33342.5(c).

6 CCRL Section 33342.

7 CCRL Section 33333.4
use powers of eminent domain to condemn private property for economic purposes (see discussion of City Council Resolution 101-2005 below); and iv) specific limitations on use of eminent domain authority to acquire residential property, now codified in the State Constitution, limits this Option's effectiveness with respect to owner-occupied property (see Proposition 99 discussion below).

**Option 2: Limited Eminent Domain Authority Policy**

A Limited Eminent Domain Authority Policy would bar the use of eminent domain to acquire real property on which any persons reside; thereby specifically limiting use of the authority to non-residential property in the Existing Project Area and/or the Added Territory. Language could be incorporated in the Amended Plan reflecting the Agency's historical commitment that such authority would be used only as a measure of last resort should the circumstance arise.

The advantages of Option 2 are: i) the Agency would be provided an additional redevelopment tool, available to be used only as a last resort in achieving its redevelopment goals and objectives in the Existing Project Area and/or the Added Territory through the successful implementation of the Amended Plan; ii) a PAC is not required to be formed; iii) no additional study and blight findings (and additional costs) would be necessary with respect to the Added Territory; and iv) protection from eminent domain authority is extended beyond that provided by Proposition 99 to all properties on which persons reside, be they owner-occupied properties or not.

The disadvantages of Option 2 include, but are not limited to: i) (Existing Project only) reinstatement of eminent domain authority would require additional study and new findings of blight in the Existing Project Area at additional cost to the Agency; and ii) possible conflict with the City Council's previous pledge not to use powers of eminent domain to condemn private property for economic purposes (Resolution 101-2005).

Option 2 relieves the Agency of the legal obligation to create and operate a PAC as a part of the redevelopment plan amendment process. Nevertheless, the Agency will provide a more informal version of community participation through meetings with the City’s Redevelopment Advisory Committee, community workshops and a joint public hearing to be convened near the conclusion of the redevelopment plan amendment process. Please be advised that staff and Agency advisors have already met on two different occasions with the City’s Redevelopment Advisory Committee to discuss Amendment related matters.

**Option 3: No Eminent Domain Authority**

Option 3 would incorporate language within the Amended Plan prohibiting the use of eminent domain authority to acquire any real property in the Existing Project Area and/or the Added Territory.
Option 3 advantages include: i) (Existing Project only) no requirement (or additional cost) to make the finding that significant blight remains within the Existing Project Area; ii) no requirement to form a PAC; and iii) no conflict with the City Council's previous pledge not to use powers of eminent domain authority to condemn private property for economic purposes (Resolution 101-2005).

The disadvantages of Option 3 are: i) the Agency would be barred from using an appropriate redevelopment tool as a last resort, which, over the long-term could allow the Agency to more effectively and successfully implement the Amended Plan to its greatest extent in certain areas in the Existing Project Area and/or the Added Territory; simply having eminent domain authority, even if such authority is never used, provides the Agency with better opportunities to achieve its goals and objectives, and thus its obligation, to eliminate blight in the Project Area through redevelopment; and ii) the Agency will lose an opportune time to undertake this amendment action given the ongoing proceedings to amend the Plan.

City Council Resolution No. 101-2005 and California Proposition 99

On July 19, 2005, in response to the United States Supreme Court decision in *Kelo, et al. v. City of New London* [Connecticut], 545 U.S. 469 (2005), the City Council adopted Resolution No. 101-2005 pledging not to use its or the Agency's powers of eminent domain to condemn private property for economic purposes.

Also in response to the *Kelo* decision, Proposition 99 was a proposed amendment to the California Constitution that appeared on the June 3, 2008, Statewide ballot and was overwhelmingly approved by the voters. Proposition 99 amends Section 19 of Article I of the California Constitution, adding section 19(b) which prohibits "acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person." Sections 19(c) and 19(d) provide that eminent domain would still be allowed if the purpose is related to public health and safety; preventing serious, repeated criminal activity; responding to an emergency; remediating hazardous environmental contamination that poses a threat to public health and safety; or for a public work or improvement.

Resolution 101-2005 represents the 2005 City Council's promise to limit its exercise of its and the Agency's eminent domain authority in certain circumstances; however, it has no controlling legal affect on the City's or the Agency's eminent domain authority as defined by State law. In contrast, Proposition 99, by amending the State Constitution, has the full force of law, defining the State's, the City's and the Agency's eminent domain powers with specificity in regard to the taking of any owner-occupied residence for conveyance to a private person.

The Agency's historical commitment to reserve use of its eminent domain authority, as demonstrated by its never having exercised its authority in the Original Project Area during the 12 years permitted (1983-1995), could be codified in the Amended Plan as part of a Limited Eminent Domain Policy and Program as follows: Establish a policy and program to permit the use of eminent
domain authority for the purpose of acquiring real property on which no persons reside and only as a last resort.

The Agency's approach to eminent domain authority, if codified in the Amended Plan, would be unchanged; use of such authority would be considered only in the very rare (if any) circumstance where no alternative could be established, yet the Agency would have the flexibility conferred by this additional redevelopment tool.
RESOLUTION NO.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
REVISING THE OFFICIAL POLICY OF THE CITY REGARDING THE USE OF
EMINENT DOMAIN AUTHORITY BY THE CITY AND THE PORTERVILLE
REDEVELOPMENT AGENCY

WHEREAS, on July 19, 2005, the City Council of the City of Porterville
("City Council") adopted Resolution No. 101-2005 in response to the decision of the United
States Supreme Court in Kelo et al. v. City of New London; and

WHEREAS, Resolution No. 101-2005 set forth the policy of the City Council that
neither the City Council nor the Porterville Redevelopment Agency ("Agency") would use
their powers of eminent domain to condemn private property for economic development
purposes; and

WHEREAS, Proposition 99, approved by the voters of the State of California in
2008, amended Article 1, Section 19 of the California Constitution to provide that the “State
and local governments are prohibited from acquiring by eminent domain an owner-occupied
residence for the purpose of conveying it to a private person,” except where such
acquisition is “for the purpose of protecting public health and safety; preventing serious,
repeated criminal activity; responding to an emergency; or remediing environmental
contamination that poses a threat to public health and safety” or “for the purpose of
acquiring private property for a public work or improvement”; and

WHEREAS, the City Council now desires to amend the official policy of the City and
Agency regarding the use of eminent domain authority to conform such policy regarding
eminent domain to the provisions of the United States Constitution and the Constitution of
the State of California, including Proposition 99, as they may be amended from time to time.

NOW, THEREFORE, BE IT RESOLVED:

The City Council hereby amends the official policy of the City and Agency regarding
the use of eminent domain authority to conform to the relevant provisions of the United
States Constitution and the Constitution of the State of California, including Proposition 99,
as they may be amended from time to time.

APPROVED AND ADOPTED this ____ day of _________, 2009.

By: ______________________________
Cameron J. Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  )  SS
COUNTY OF TULARE  )

I, JOHN 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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the _____ day of __________, 2009.

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

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JOHN LOLLIS, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. _____

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY ESTABLISHING AN EMINENT DOMAIN POLICY AS THAT POLICY PERTAINS TO THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1, AND FINDING THAT A PROJECT AREA COMMITTEE IS NOT REQUIRED FOR THE 2010 AMENDMENT

WHEREAS, on July 10, 1990, the City Council of the City of Porterville (the "City Council" and "City," respectively), by Ordinance No. 1436, adopted a redevelopment plan (the "Plan") for the Porterville Redevelopment Project No. 1 (the existing "Project" or "Project Area," depending on context); and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") is a duly constituted redevelopment agency under the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, et seq.) and it is responsible for the administration and implementation of redevelopment activities within the City; and

WHEREAS, CCRL Section 33450 provides that the City Council may amend a redevelopment plan upon the recommendation of the Agency; and

WHEREAS, the Agency desires to amend (the "2010 Amendment" or "Amendment") the Plan (hereafter, as proposed to be amended by the 2010 Amendment, referred to as the “Amended Plan”) for the purposes of: i) adding territory (the "Added Territory") to the existing Project Area; ii) improving deleterious physical and economic conditions existing in certain parts of the City and portions of unincorporated Tulare County; iii) reviewing and possibly modifying the Plan’s projects and program list specific to the existing Project Area; and iv) reinstating the Plan’s eminent domain authority and extending that authority for the maximum permissible period of twelve (12) years within the existing Project Area; and

WHEREAS, CCRL Section 33342 provides that "redevelopment plans [amendments] may provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area [Added Territory]; and

WHEREAS, to more effectively administer and implement redevelopment projects and programs in the Added Territory, the Agency desires to establish eminent domain authority within the Added Territory; and

WHEREAS, since the adoption of the existing Project in July 10, 1990, the Agency’s eminent domain authority within the existing Project Area expired on July 10, 2002, and has not been reinstated; and

WHEREAS, to more effectively administer and implement redevelopment projects and programs in the existing Project Area, the Agency desires to reinstate the Plan’s eminent domain authority, extending that authority for the maximum permissible period of twelve (12) years in accordance with CCRL Section 33333.4(g)(2); and

WHEREAS, the Agency may structure its eminent domain authority to prohibit the taking of property on which any persons reside and the Agency desires to exclude property on which any persons reside from acquisition through use of its eminent domain authority; and

WHEREAS, the eminent domain policy contained herein is not in conflict with recently passed Proposition 99, which amended Article I, Section 19 of the California Constitution; and

ATTACHMENT
ITEM NO. 4
WHEREAS, the City Council adopted Resolution No. ____, on _____, amending its previously adopted Resolution No. 101-2005 (July, 19, 2005) to permit its and the Agency's eminent domain policies to be consistent with State law as amended by Proposition 99; and

WHEREAS, CCRL Section 33385.3(a) requires the Agency establish a project area committee (PAC), if the 2010 Amendment would do either of the following:

(1) Grant the authority to the agency to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low- and moderate persons reside; or

(2) Add territory in which a substantial number of low- and moderate-income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added territory. The project area committee may be composed of persons from only the added territory or both the added territory and the existing project area; and

WHEREAS, the Agency desires to make a PAC determination as it pertains to the 2010 Amendment.

NOW, THEREFORE, THE PORTERVILLE REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The above recitals are true and correct and a substantive part of this Resolution.

Section 2. The Agency directs that the Amended Plan shall contain the following Eminent Domain Policy. Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, all real property located within the existing Project Area and within the Added Territory by gift, devise, exchange, purchase, or any other means authorized by law including the use of eminent domain, except that this Amended Plan does not authorize the Agency to acquire, by eminent domain, property on which any person reside. Any eminent domain proceedings must commence by the date on which the effectiveness for this Amended Plan terminates, but not to exceed twelve (12) years from the date of adoption of the ordinance approving and adopting the 2010 Amendment.

Section 3. The Agency directs that the Amended Plan shall contain the Agency's eminent domain policy (the "Eminent Domain Policy") as set forth in Section 2 of this Resolution.

Section 4. The Executive Director of the Agency or his/her designee may make technical, non-material revisions to the Eminent Domain Policy that may be necessary or appropriate and that do not affect the intent and purpose of the Eminent Domain Policy.

Section 5. The Agency's Eminent Domain Policy, as contained herein, relieves the Agency of the obligation to establish a PAC pursuant to CCRL Section 33385.3.

Section 6. In the event that the Eminent Domain Policy is subsequently revised by the Agency Board to permit the Agency's exercise of its power of eminent domain to acquire property on which any persons reside within the Added Territory, the Agency shall reconsider the need to establish a PAC pursuant to CCRL Section 33385.3.
PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the 2nd day of June, 2009 by the following roll call vote:

AYES:
NAYES:
ABSENT:
ABSTAIN:

______________________________
Chairperson of the Porterville Redevelopment Agency

ATTEST:

______________________________
Secretary of the Porterville Redevelopment Agency

State of California    )
City of Porterville    ) ss
County of Tulare       )

I, __________, Secretary of the Porterville Redevelopment Agency do hereby certify that the foregoing resolution was regularly introduced and adopted by the Porterville Redevelopment Agency at a regular meeting thereof, held on the 2nd day of June, 2009, by the following vote of the Redevelopment Agency:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Porterville Redevelopment Agency this 2nd day of June, 2009.

______________________________
Secretary of the
Porterville Redevelopment Agency