Call to Order
Roll Call

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

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – 4 Cases.

7:00 P.M. RECONVENE OPEN SESSION

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

**PROCLAMATIONS**
   Little League Opening Day – March 27, 2010
   National Child Abuse Prevention Month – April, 2010

**PRESENTATIONS**
   Tulare Co. Child Abuse Prevention Council

**ORAL COMMUNICATIONS**
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.
CONSENT CALENDAR

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

1. **Acceptance of California Infrastructure & Economic Development Bank (CIEDB) Water Loan**
   Re: Considering approval of a resolution accepting a CIEDB 30-year loan in the amount of $1,500,000, to fund the design, construction, construction administration and material testing of the Rocky Hill 550,000 Gallon Reservoir project.

2. **Acceptance of Appraised Value of Right of Way for Property Located at APN 269-060-049 – Martin L. Maxwell and Betty Louise Maxwell, Trustees of the Maxwell Family Trust – Jaye/Gibbons Street Improvement Project**
   Re: Authorizing staff to make payment in the amount of $24,059 to Martin L. Maxwell and Betty Louise Maxwell, after completion of escrow for 11,586 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project.

3. **Municipal Pool Complex - Sump Grate Retrofit**
   Re: Receipt of an informational item regarding the procurement and installation of anti-entrapment grates for conformance with federal requirements for entrapment avoidance.

4. **Seafood Café/El Reventon Consideration of Modification of Revocation of CUP 5-2007**
   Re: Considering approval of a resolution modifying the hours of operation for the Seafood Café/El Reventon.

5. **Airport Lease Renewal – Lot 32B**
   Re: Considering approval of an extension of the Lease Agreement between the City of Porterville and Mr. Donald Deaton for Lot 32B at the Porterville Municipal Airport.

6. **Assign Airport Lease – FBO Lot 17**
   Re: Considering approval of the assignment of the lease agreement for Airport FBO Lot 17 between the City of Porterville and Mr. Eddie Wood to Steven Huth and Michael Quatacker, dba HQ Investments.

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

PUBLIC HEARINGS

7. **Vacation of a Portion of H Street and Kessing Street Between Oak Avenue and the Porter Slough (Sierra View Local Health Care District)**
   Re: Considering approval of a resolution of vacation, including reservations, for a portion of H Street and Kessing Street, consistent with plans for the easterly expansion of the Sierra View District Hospital campus.

8. **Conditional Use Permit 4-92, Modification No. 2 and Design “D” Overlay Site Review 2-2010 (Don Vino’s)**
   Re: Consideration of resolutions approving a modification to Conditional Use Permit 4-92, and “D” Overlay Site Review 2-2010, to allow for the construction of a ±2,191 square foot covered patio for outdoor dining at Don Vino’s Italian Bar and Grill located at 247 N. Main Street.
9. **Consideration of the Transaction and Use Tax Oversight Committee’s Finding of “Non-Consistent” Relative to the 2008-2009 Measure “H” Expenditures**  
   Re: Considering the finding of the Transaction and Use Tax Oversight committee that the 2008-2009 Measure “H” expenditures were “non-consistent” with the adopted 2008-2009 Measure “H” Expenditure Plan.

**SCHEDULED MATTERS**

10. **Design “D” Overlay Site Review 1-2010 (Medical Office Buildings – Dr. Vemuri)**  
    Re: Consideration of a resolution approving “D” Overlay Site Review 1-2010 to allow for the development of medical office buildings to be located at 557 W. Morton Avenue.

11. **Council Member Requested Agenda Item – Revisit Bike and Pedestrian Plan**  
    Re: Receipt of an informational report reviewing the City’s Bike and Pedestrian Plan and potential for improvements.

12. **Council Member Requested Agenda Item – Consideration of Creating a City-operated Off-Highway Vehicle (OHV) Sandrail Course**  
    Re: Consideration of a request to authorize the review and potential for creating an OHV Sandrail course operated by the City.

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

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA**  
**March 16, 2010**

Roll Call: Agency Members

**ORAL COMMUNICATIONS**

**WRITTEN COMMUNICATIONS**

**SCHEDULED MATTERS**

PRA-01 **Authorization to Conduct a Joint Public Hearing of the City of Porterville City Council and the Porterville Redevelopment Agency in Connection With the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1 and Environmental Impact Report Prepared for the Project; Authorization to Provide Notice of the Hearing; Authorization to Transmit Draft Amended Plan to the Planning Commission**  
Re: Consideration of resolutions consenting to a joint public hearing with the City Council and the Redevelopment Agency.

PRA-02 **A Resolution of the Porterville Redevelopment Agency Adopting Owner Participation and Re-Entry Rules and the Relocation Assistance and Real Property Acquisition Guidelines in Connection with the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1**  
Re: Consideration of a resolution adopting rules and guidelines relative to the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1.

Adjourn to a Meeting of the Porterville City Council
SCHEDULED MATTERS
13. Council Member Requested Agenda Item – Resignation of Councilman Pedro “Pete” Martinez from the City Council
   Re: Acceptance of a letter of resignation from the City Council by Councilman Pedro “Pete” Martinez.

14. Consideration of Appointment to Fill Council Member Vacancy
   Re: Consideration of an appointment to fill the vacant office on Council, including any method or process to be utilized.

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 April 6, 2010 at 6:00 p.m.

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
SUBJECT: ACCEPTANCE OF CALIFORNIA INFRASTRUCTURE & ECONOMIC DEVELOPMENT BANK (CIEDB) WATER LOAN

SOURCE: Public Works Department - Engineering Division

COMMENT: The CIEDB has prepared “Enterprise Fund Installment Sale Agreement” documents for a 30-Year, $1,500,000, 3.31% loan to the City of Porterville. The loan documents are very similar to the sale agreement loan documents executed between the City and CIEDB in 2009 for the 5 water capital projects.

This specific loan will pay for the design, construction, construction administration and material testing of the Rocky Hill 550,000 Gallon Reservoir project. The CIEDB is asking that the City Council formally accept the loan by executing the attached resolution and authorize the appropriate personnel to sign the various exhibits included in the loan documents.

At the April 21, 2009 and June 16, 2009 Council meetings, staff informed Council that water revenues do not have to be raised to pay the $415,000 annual payment on the first CIEDB water loan that begins in year three. The annual payment on the $1.5 million Rocky Hill loan in the amount of $84,000 will not trigger a raise in water revenues because the first two years are interest only payments and can be covered by the fund.

However, the City’s current policy is to use some of the revenue from the Water Replacement Fund to construct water capital projects. The City cannot afford to pay the annual payment and continue drawing from the Water Replacement Fund to construct water projects without eventually raising water meter fees.

As promised, staff will study and present Council its findings with regard to when and how much to raise water meter fees to make sure the City can meet its debt service obligations. Staff expects to have its analysis to City Council during the budget process over the next two years.

RECOMMENDATION: That the City Council:

1. Accept the CIEDB 30-Year loan in the amount of $1,500,000 at an interest rate of 3.31%;

2. Authorize the Mayor to execute the CIEDB furnished Resolution of Loan Acceptance;

Dir Appropriated/Funded Item No. 1
3. Appoint and approve the position of City Manager as the City representative authorized to sign all loan documents except where a specific title or position such as Legal Counsel, Finance Director or Public Works Director is required;

4. Authorize the appropriate staff or Counsel to sign the necessary loan documents to effect the loan; and

5. Direct the Public Works Director to provide a detailed economic analysis that supports or refutes the need for meter fee increase prior to the adoption of each subsequent budget.

ATTACHMENT: Resolution of Loan Acceptance
EXHIBIT A

RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF PORTERVILLE

AUTHORIZING THE EXECUTION AND DELIVERY OF THE INSTALLMENT SALE AGREEMENT BY AND BETWEEN THE CITY OF PORTERVILLE AND THE CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK AND APPROVING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Porterville ("City") has been approved by the California Infrastructure and Economic Development Bank to receive ISRF Program Financing for the Rocky Hill Reservoir Project ("Project") in an amount not to exceed $1,500,000; and,

WHEREAS, the City expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to incurring indebtedness for the purpose of financing costs associated with the Project on a long-term basis; and

WHEREAS, the City reasonably expects that the financing arrangement ("Obligation") in an amount not expected to exceed $1,500,000 will be entered into and that certain of the proceeds of such Obligation will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the City desires to approve the terms of the financing;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE, AS FOLLOWS:

Section 1. The Mayor is authorized and directed to execute and deliver the Enterprise Fund Installment Sale Agreement (the "Agreement") proposed to be entered into by the City of Porterville and the California Infrastructure and Economic Development Bank, for and on behalf of the City of Porterville. As executed and delivered, such documents shall be in substantially the form presented at this meeting, with such minor additions thereto or minor changes therein as the officers executing such document shall require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. The City Manager is hereby each authorized and directed, in the name and on behalf of the City of Porterville, to take any and all steps and to execute and deliver any and all certificates, contracts and other documents which they might deem necessary or appropriate in order to consummate the delivery of the Agreement and otherwise to effectuate the purposes of this resolution; including the execution of a tax certificate, and such actions previously taken by the employees of the City of Porterville are hereby ratified and confirmed.
Section 3. The City Council hereby declares its official intent to use proceeds of the Obligation to reimburse itself for Reimbursement Expenditures. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Applicant to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 4. All of the Reimbursement Expenditures were made no earlier than 60 days prior to the date of this Declaration. The Applicant will allocate proceeds of the Obligation to pay Reimbursement Expenditures within eighteen (18) months of the later of the date the original expenditure is paid or the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid.

Section 5. This resolution shall take effect from and after its passage, approval and adoption.

PASSED, APPROVED and ADOPTED this 16th day of March, 2010 by the following vote:
Ayes:
Noes:
Absent:
Abstain:

By________________________________________
Pete V. McCracken
Mayor

ATTEST

By________________________________________
John D. Lollis
City Manager

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Martin L. Maxwell and Betty Louise Maxwell, Trustees of the Maxwell Family Trust, owners of property located at APN 269-060-049, has accepted the appraised value of $24,059 for 11,586 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project.

The City recently had the property appraised by Tim Simon, MAI, Simon Company Inc. a Certified General Real Estate Appraiser. The appraisal came in at $28,615 for 16,539 square feet originally needed for the project. The amount of property needed was adjusted and revalued at $24,059 for the 11,586 square feet of property needed for the project. This appraisal is available in the Community Development Department for your review.

Funding for this project was approved in the 2009/2010 Budget from Local Transportation Funds and Measure R Funds.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Martin L. Maxwell and Betty Louise Maxwell, Trustees of the Maxwell Family Trust, in the amount of $24,059 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:
1. Right-Of-Way Take Map
2. Resolution
LAND ACQUISITION PROPERTY PLAT

APN: 269-060-050

APN: 269-060-049

SCALE: 1"=100'

PROPERTY TO BE ACQUIRED

AS SHOWN ON TULARE COUNTY PLAT BOOK, WITH NO RECORDED DOCUMENTS REFERENCED. PRESUMED TO BE "PRESCRIPTIVE" RIGHT OF WAY.

25' RIGHT OF WAY DEDICATION CONVEYED TO THE COUNTY OF TULARE PER DOCUMENT RECORDED NOV. 9, 1938 IN VOL. 824, PG. 298 OF OFFICIAL RECORDS.

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

OWNER: Martin L. Maxwell &

Betty Louise Maxwell

APN: 269-060-049

AREA: 11,586 S.F.

ACRES: 0.27 AC.

DRAWN BY: FM

CHCK BY: DB

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 762-7462
RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM MARTIN L. MAXWELL AND BETTY LOUISE MAXWELL, TRUSTEES OF THE MAXWELL FAMILY TRUST

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Martin L. Maxwell and Betty Louise Maxwell, Trustees of the Maxwell Family Trust, for public street and underground utilities purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit “A” and “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $24,059 is hereby approved with the City to open escrow account, pay all escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The forgoing has been accepted by the City Council for the City of Porterville.

PASSED, ADOPTED AND APPROVED this 16 day of March 2010.

Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By: Luisa Herrera, Deputy City Clerk
LEGAL DESCRIPTION

Exhibit “A”

That portion of the South half of the Northwest quarter of the Southeast quarter of Section 2, Township 22 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:

Commencing for reference at the Southwest corner of said South half of the Northwest quarter of the Southeast quarter;

Thence, North 00°27′20″ East, along the West line of said South half, 25.00 feet, to a point on the North right of way line of Gibbons Avenue, per document recorded November 9, 1938, in Volume 824 of Official Records, at Page 298, Tulare County Records;

Thence, South 89°54′08″ East, along said right of way line, 20.00 feet, to a point on the existing easterly right of way line of Jaye Street, said point being the POINT OF BEGINNING of the portion to be described;

Thence, North 00°27′20″ East, along said East right of way line, 638.31 feet, to a point on the North line of said South half of the Northwest quarter of the Southeast quarter;

Thence, South 89°53′09″ East, along last said North line, 10.00 feet, to a point on a line which is parallel with and distant 30.00 feet East, measured at right angles from said West line of the South half;

Thence, South 00°27′20″ West, along said parallel line, 281.56 feet, to the beginning of a tangent curve, concave easterly, having a radius of 840.00 feet;

Thence, southerly along said 840.00 foot radius curve, through a central angle of 5°33′38″, an arc distance of 81.52 feet, to a point of reverse curvature and beginning of a tangent curve, concave westerly, having a radius of 860.00 feet;

Thence, continuing southerly along said 860.00 foot radius curve, through a central angle of 5°33′38″, an arc distance of 83.46 feet, to a point on a line which is parallel with and distant 38.00 feet East, measured at right angles from said West line of the South half;

Thence, South 00°27′20″ West, along last said parallel line, 135.94 feet;

Thence, South 42°36′44″ East, 53.79 feet;

Thence, South 85°40′47″ East, 156.10 feet, to a point on a line which is parallel with and distant 30.00 feet North, measured at right angles from the South line of said South half;
Thence, South 00°05'52" West, 5.00 feet, to a point on said North right of way line of Gibbons Avenue;

Thence, North 89°54'08" West, along said right of way line, 210.51 feet, to the POINT OF BEGINNING.

The herein described parcel contains 11,586 square feet, more or less.

Basis of Bearings: The East line of the Northeast quarter of the Southwest quarter of Section 2 as per Sierra Meadows, Phase Two, recorded in Volume 42 of Maps, at Page 69, Tulare County Records, taken as South 00°27'20" West.

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: [Signature]
Licensed Land Surveyor

Date: 1/22/2010
SUBJECT: MUNICIPAL POOL COMPLEX – SUMP GRATE RETROFIT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Virginia Graeme Baker Pool and Spa Safety Act (Act) promotes the safe use of pools, spas and hot tubs by imposing federal requirements for suction entrapment avoidance. By December 20, 2008 the Act imposes mandatory federal requirements for entrapment avoidance requiring that each public pool and spa, both new and existing, shall be equipped with drain covers conforming to the ASME/ANSI A112.19.8-2007 Standard and subsequent addenda ASME A112.19.8a-2008.

The current Municipal Pool Complex Water Slide Project under contract to Webb & Son of Porterville was designed in 2006 by Jones & Madhavan (JMAE) of Thousand Oaks. JMAE were design consultants for the reconstruction of the Murry Park pool completed in 2004. The current water slide project does not address the new federal requirements for entrapment avoidance.

Engineering staff has communicated with JMAE regarding compliance with the federal regulations. JMAE provided the City with documentation for a Neptune Benson anti entrapment grate that is compliant with the new regulations and can be installed directly over the two (2) existing drain sumps. Staff submitted the grate information to Tulare County Department of Health, authority having jurisdiction, and received approval.

Engineering requested a proposal from Webb & Son for procurement and installation of the Neptune Benson anti entrapment graters. Work will be completed on a time and materials basis with a not to exceed fee of $5,000.00. This additional work, not included in the existing contract, will be paid from existing project contingencies.

RECOMMENDATION: No action required – information only.

ATTACHMENT: Neptune Benson Anti Entrapment Grate Cut Sheet

P:\pubwork\Engineering\Council Items\Municipal Pool Complex - Sump Grate Retrofit - 2010-03-16.doc

Dir Appropriated/Funded MB CM Item No. 3
Notes:

- ASME A112.19.8.a-2008 VGB-2008 & NSF Certified
- Easily installed over existing main drains
- Prevents bather entrapment
- Fiberglass construction
- No bonding required
- Slip resistant surface
- Includes stainless steel hardware
- Wall flowrate: 1120 GPM
- Floor flowrate: 1432 GPM
- Life: 15 years – submerged outlet
- Covers up to 24" x 24" main drain
- Certified unblockable
- Certified to cover up to 12" drain pipe; floor flow rate 1504 GPM

<table>
<thead>
<tr>
<th>Part #</th>
<th>Overall Size</th>
<th>L x W</th>
<th>Open Area</th>
<th>Max. Flow Rate @ 1.5 F.P.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3030AEC</td>
<td>30&quot;X30&quot;</td>
<td></td>
<td>128.21 in²</td>
<td>600 GPM</td>
</tr>
</tbody>
</table>
SUBJECT: SEAFOOD CAFE/EL REVENTON CONSIDERATION OF MODIFICATION OR REVOCATION OF CUP 5-2007

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On March 2, 2010, the City Council held a public hearing to consider modification or revocation of the CUP 5-2007. The City Council voted to modify the approved hours of operation for the CUP which increased the business hours on Sundays from 10am-8pm to 10am-2am. With the modification, the new business hours are 10am-2am seven days a week, which is consistent with the closing hours of other local bars and restaurants with live entertainment in the city.

The Council directed staff to prepare a draft resolution with the modified hours of operation for the business and bring back to the next Council meeting under a consent calendar item. The attached draft Resolution modifies condition #3 of the “BOTH PHASES” section of Resolution 10-2008. All other conditions remain the same and in full effect.

RECOMMENDATION: That the City Council adopt the attached Draft Resolution modifying the Seafood Café/El Reventon hours of operation.

ATTACHMENTS:

1. Draft Resolution
2. Resolution 10-2008
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR MODIFICATION #2 TO CONDITIONAL USE PERMIT 5-2007 TO INCREASE THE HOURS OF OPERATION FOR THE SEAFOOD CAFÉ/EL REVENTON LOCATED AT 1091 W. OLIVE AVENUE

WHEREAS: On February 2, 2010, the Porterville City Council considered and set a public hearing to modify or revoke Conditional Use Permit (CUP) 5-2007 as result of violating the conditions of the business’s alcohol license permit with the California Department of Alcoholic Beverage Control. The public hearing meeting was set for March 2, 2010; and

WHEREAS: On March 2, 2010, the Porterville City Council, held a public hearing to consider modification or revocation to CUP5-2007. The City Council modified the approved hours of operation for the CUP which increased the business hours on Sundays from 10am-8pm to 10am-2am. With the modification, the new business hours of operation are 10am-2am seven days a week; and

WHEREAS: The modified hours of operation are now consistent with the closing hours of operation of other local bar & grill establishments in the City.

WHEREAS: The City Council received testimony from all interested parties relative to said CUP; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan.

   The General Plan designates the site as General Commercial as supported by the C-3 (Heavy Commercial) Zoning. Due to the stack zoning, C-1 and C-2 uses are allowed in this zone. Uses such as serving of alcoholic beverages in conjunction with food, nightclubs and live entertainment are uses allowed pursuant to the conditions specified in Article 8 (Central Commercial Zone) and Article Nine (Heavy Commercial Zone) of the Porterville Zoning Ordinance.

2. That the design and operation of the proposed project are consistent with the General Plan and the proposed use is allowed in the C-3 Zone and has an existing Conditional Use Permit 5-2007 approved by City Council Resolution 10-2008 on February 19, 2008.

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

4. The Conditions of approval addressed in City Council Resolution 10-2008 and additional conditions relevant to the proposed modification are included to ensure adequate development standards were met.
5. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2007 Modification No. 2 subject to the following conditions:

1. That the approved hours of operation for the CUP5-2007 be increased on Sundays from 10am-8pm to 10am-2am. With the modification, the new business hours of operation are 10am-2am seven days a week.

2. That all conditions pertaining to the Seafood Café/El Reventon in Resolution 10-2008 dated February 19, 2008 (other than condition #3; “hours of operation”) remain in full effect.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By

Luisa Herrera, Deputy City Clerk
RESOLUTION NO. 10-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE RESSCINDING AND REPLACING RESOLUTION 44-2007
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 5-2007 TO ALLOW THE EXPANSION OF AN
EXISTING RESTAURANT WITH LIVE ENTERTAINMENT AND BANQUET
FACILITY/DANCEHALL WITH SEPARATE BAR AREAS INTO A PREVIOUSLY
UTILIZED BOWLING AREA (FORMERLY OLIVE BOWL) TO BE LOCATED AT
1091 W. OLIVE AVENUE

WHEREAS: On June 5, 2007 the Porterville City Council by Resolution 44-2007
approved Conditional Use Permit 5-2007 which allowed for the expansion of an existing
restaurant (Seafood Café), with a separate bar to be utilized as a nightclub after the restaurant
hours (phase one). The second phase of the project proposed a banquet facility/dancehall in the
area previously utilized for bowling. As part of the second phase the building will undergo an
exterior remodel. The restaurant currently operates and serves beer, wine and distilled spirits
under an on-sale license in conjunction with the serving of meals; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of December 4, 2007, conducted a public hearing to consider a request to allow for a
modification to the existing floor plan which proposes to close off a portion of the restaurant area
to be utilized as a multi-purpose room and to extend the hours of operation on Sundays; and

WHEREAS: Due to concerns raised by residents at the December 4, 2007 Public
Hearing, City Council continued the matter to January 15, 2008 and directed staff to investigate,
research, and report on the public concerns; and

WHEREAS: On January 15, 2008 due to phasing of the project and unclear timing of
certain conditions, the City Council continued the matter to the next Council meeting and
directed staff to clarify the phasing of the conditions of approval; and

WHEREAS: The proposed multi-purpose room, approximately 274± square feet will
be located next to the entrance to the restaurant. Depending on the type of use and considering the
footage of the room, the California Building Code 2001 allows for a maximum occupancy of 11
to 24 people; and

WHEREAS: As follow-up to the City Council meeting, public meetings with the
property owner and surrounding property owners were held on December 12, 2007; and

WHEREAS: The applicant has indicated that the multi-purpose room may be used for
a future card room. Approval of that use would be subject to Chapter 15 of the Municipal Code
and Regulations of the Bureau of Gambling Control Commission and is not associated with the
approval of this modification; and

WHEREAS: The City Council received testimony from all interested parties relative
to said Conditional Use Permit; and

ATTACHMENT
ITEM NO. 2
WHEREAS: The City Council made the following findings:

1. The project is Categorically Exempt pursuant to Section 15301, Class 1 of the CEQA Guidelines - (Existing Facilities).
   
   In brief, this section allows for minor alterations of existing facilities as long as it involves negligible or no expansion of an existing use. The interior remodel would allow for the enclosure of 274± square foot are to be utilized as an assembly room, and therefore is not expanding the existing square footage of the building.

2. That the proposed project is consistent with the General Plan.
   
   The General Plan designates the site as General Commercial as supported by the C-3 (Heavy Commercial) Zoning. Due to the stack zoning, C-1 and C-2 uses are allowed in this zone. Uses such as serving of alcoholic beverages in conjunction with food, nightclubs and live entertainment are uses allowed pursuant to the conditions specified in Article 8 (Central Commercial Zone) and Article Nine (Heavy Commercial Zone) of the Porterville Zoning Ordinance.

3. That the design and operation of the proposed project are consistent with the General Plan.
   
   The proposed use is allowed in the C-3 Zone and has an existing Conditional Use Permit 5-2007 approved by City Council Resolution 44-2007 on June 5, 2007.

4. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.
   
   Conditions of approval addressed in City Council Resolution 44-2007 and additional conditions relevant to the proposed modification are included to ensure adequate development standards were met.

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2007 Modification No. 1 subject to the following conditions:

**Phase One**

1. The parking lot lighting shall be provided to the satisfaction of Police Chief/Zoning administrator.

2. Provide vehicle barrier between developed and undeveloped portions of site to the satisfaction of the City Engineer and Zoning Administrator.
3. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306). Sidewalk along Olive Avenue shall be 9.5 feet in width.

4. 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).

5. The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location approved by City shall be oriented for direct stab pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

6. A twenty-five (25) foot wide landscape planting strip shall be provided and permanently maintained adjacent to the Olive Avenue right-of-way line of the subject site as illustrated on the approved site plan (Exhibit A).

7. The owner/applicant shall install 2 tree wells within the sidewalk area between the driveways along Olive Avenue, and provide and maintain city-approved street trees. The selection of planting locations, and performance of canopy maintenance for street trees shall be conducted in manners to minimize vehicular sight safety conflicts.

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

9. 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.

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

11. 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.

12. Future Construction must meet fire flow requirements per the California Fire Code.

13. 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.

14. Conditions for Phase One must be completed within 60 days of this resolution being approved by the City Council. No building permits shall be issued until such time as all conditions for Phase One have been completed.

Phase Two

1. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

2. Building is required to be fully protected by a fire sprinkler system as per Building and Fire codes.

3. Food handling businesses require review and approval from the Tulare County Health Department prior to issue of said building permit. Your proposal also requires a grease intercepter for restaurants.

4. Seismic review and upgrades as per Building codes will be required.

5. Based on the occupancy classification, a fire alarm and an automatic sprinkler system may be required.

6. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:
   - Twenty or more in Group I Divisions 1.1 and 1.2 occupancies.
   - Twenty or more in all other occupancies.

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

8. 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.
Both Phases

1. Overall parking for Phase One and Two has been calculated at one (1) parking for every four seats and one (1) parking for every 50 square feet of dance floor for a total of 165 parking spaces at complete build-out.
   - Phase One of the project requires 74 parking spaces. A portion of the parking lot has been identified on the site plan as the designated phase one parking.
   - Phase Two of the project requires an additional 91 parking spaces, for the remainder of the total 165 parking spaces for the completion of the project.

2. A six (6) foot masonry block wall is required around the entire site separating non-residential from the residential zoned property. Due to the unusual circumstances of common ownership of the parcel to the south and flag parcel to the west (both parcels are in the county) phasing of the block wall will be allowed to the extent that the block wall must be constructed along any portion of the development that is improved. Any area not improved must be separated from the improved by a temporary barrier, as specified in condition #3.

3. Hours of Operation:
   - Monday through Thursday - 10:00 a.m. to 2:00 a.m.
   - Friday and Saturday - 10:00 a.m. to 2:00 a.m.
   - Sunday - 10:00 a.m. to 8:00 p.m.


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

6. The developer/applicant shall follow Appendix J of the 2007 California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable. A Civil Engineer shall prepare a
Master Grading and Drainage plan for the complete project (Phase 1 and Phase 2). Parking area defined in Exhibit “A” shall be reconstructed and/or rehabilitate for Phase 1. Remaining parking area and parking lot expansion shall be complete with the development of Phase 2.

7. 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.

8. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211, Exhibit A of the Zoning Ordinance. Refer to Attachment 8, Exhibit “A”, of the Staff Report dated February 19, 2008 for parking area related to Phase 1 and Phase 2 development.

9. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

10. Upon connection to City water system, the developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first. Domestic water service for Phase 1 and Phase 2 development is only contingent upon owner request. The existing water well may remain in service with “backflow” prevention in place in accordance with the City Resolution No. 9615. The decision to connect to the City’s water system for domestic use is solely at the owner’s discretion.

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

12. The developer/applicant shall comply with ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:
   - Wastewater Discharge Permit Application, Part “A;”
   - If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection,
sampling, and flow measurement of the flows in the sewer and drainage system.

13. Upon connection to the City’s water system the developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

14. Upon connection to the City’s water system 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.

15. In conformance with the parking lot phasing, a minimum of 5% of the parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are recommended to be a minimum of twenty (20) square-feet in size.

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

17. The project must comply with latest applicable codes.

18. The proposed restaurant/night club is considered an A-2 occupancy per 2007 CBC. Upon submittal of a permit the following will be required.

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

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

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

22. Signs require a separate permit.

23. 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.

24. Upon future construction additional hydrants will be required 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.

25. Future site development will require additional fire hydrants. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
26. 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.

27. Fire hydrant spacing shall be as follows:
   • In Commercial development, one hydrant shall be installed at 300-foot intervals.

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

29. Provide security as identified:
   • Phase One of the project, the applicant is allowed a max capacity of 295± patrons, and plans on employing 10± people for the restaurant and nightclub with an additional 7-10 for security
   • Phase Two of the project, it is anticipated that there will be 20 employees directly related to providing restaurant/banquet service and 15-20 security employees for special functions.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By Pat Hildreth, Chief Deputy City Clerk
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy 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 19th day of February, 2008.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Hernandez</th>
<th>Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

JOHN LONGLEY, CITY CLERK

By Luisa Herrera, Deputy City Clerk
SUBJECT: AIRPORT LEASE RENEWAL – LOT 32B

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Mr. Donald Deaton is the current leaseholder of Lot 32B at the Porterville Municipal Airport. The lease will expire on April 3, 2010; 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. Deaton on March 5, 2010, asking to continue the lease on Lot 32B. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2015.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Donald Deaton of Porterville, CA, for Lot 32B at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Deaton requesting renewal
Paragraph 2 of original Lease Agreement

D.D. Appropriated/Funded C.M. Item No. 5
Airport lease renewal

I would like to exercise my option on lease agreement for lot 323

Donald Watson

Received 3/5/10 Std
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of May 1, 2000 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Mr. Donald Deaton 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 32B 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 May 1, 2000, both parties having executed the same, and shall terminate on April 30, 2010. 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: ASSIGN AIRPORT LEASE -- FBO LOT 17

SOURCE: Finance Department/Purchasing Division

COMMENT: Mr. Eddie Wood (former owner of Porterville Aviation, Inc.), the current leaseholder of Fixed Base Operator (FBO) Lot 17, has sold his hangar to Steven Huth and Michael Quatacker, dba HQ Investments, of Porterville, CA. The new owners are requesting Council authorization to assume the existing lease between the City of Porterville and Mr. Wood dated January 1, 2008. The lease will expire December 31, 2028 and has a ten-year option to renew.

RECOMMENDATION: That the City Council approve the assignment of the lease agreement for Airport FBO Lot 17 between the City of Porterville and Mr. Eddie Wood to Steven Huth and Michael Quatacker, dba HQ Investments.

Attachments: Current Airport Map showing FBO Lot 17
Draft Assignment of Lease
Lessor's Consent to Assignment of Lease
Letters of Request from the parties

Dir. Appropriated/Funded Item No. 6
That portion of the Southeast quarter of Section 9, Township 22 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.
ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT

THIS AGREEMENT, made this 1st day of March, 2010, by and between Mr. Eddie Wood, 2122 Wildcat Way, Porterville, CA, owner of a hangar on FBO Lot 175 at the Porterville Municipal Airport, as the Assignor, and HQ Investments, P. O. Box 1448, Porterville, CA, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective March 1, 2010, Assignor hereby assigns, transfers and conveys to Assignee all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated December 18, 2007, (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Eddie G. Wood, (formerly dba Porterville Aviation, Inc.), as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

   An airport hangar known as FBO No. 17, and containing a total area of approximately 15,422 square feet, and establishing an original Lease terminating December 31, 2028.

2. Effective March 1, 2010, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord’s consent hereto, Assignee’s Noticed Address and Assignee’s Billing Address shall be as set forth herein above.

4. Assignor hereby covenants said Lease as valid and existing and is not in default as of the date of this Assignment.

5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

6. The parties understand there is a $150 assignment fee, and the Assignee must provide proof of liability insurance within thirty (30) days of Council approval.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR

BY: ____________________________
   Eddie G. Wood

ASSIGNEE: HQ Investments

BY: ____________________________
   Steven Huth

BY: ____________________________
   Michael Quatacker
LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR FBO LOT NO. 17

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar FBO Lot No. 17, described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 16th day of March, 2010.

CITY OF PORTERVILLE

BY: 

Pete V. McCracken
MAYOR, CITY OF PORTERVILLE

"LESSOR"

ATTEST:
John D. Lollis, CITY CLERK

APPROVED AS TO FORM:

BY: 

Julia Lew, City Attorney
February 11, 2010

City of Porterville
Porterville Airport
1893 S. Newcomb
Porterville, Ca 93257

Subject: Assumption of Lease of Hangers Lot 17 (Formerly Porterville Aviation)

Dear Jim:

We are purchasing the above hanger on Lot 17 from Ed Wood/Porterville Aviation. We request to assume his lease under the original existing terms, conditions and rates. Enclosed is a letter from Ed Wood relinquishing his lease to us. The new lease would be to HQ Investments, Steven Huth & Mike Quatacker at the above address. If you need to contact me my day number is 783-1207 or cell 359-0379. We appreciate your help in making this change.

Best Regards

Steven Huth

Mike Quatacker
Eddie Wood
2122 Wildcat Way
Porterville, CA 93257

February 11, 2010

City of Porterville
Porterville Airport
1893 S. Newcomb
Porterville, Ca 93257

Subject: Relinquish of Lease of Hanger Lot 17 (Formerly Porterville Aviation)

Dear Jim:

I have sold the above hanger on Lot 17 to HQ Investments, Steven Huth & Mike Quatacker and wish to relinquish my lease to allow them to assume my lease under the original existing terms, conditions and rates. If you need to contact me, my day number is 559-359-0089. I appreciate your help in making this change.

Best Regards

Eddie Wood
CONTINUED PUBLIC HEARING

SUBJECT: VACATION OF A PORTION OF H STREET AND KESSING STREET BETWEEN OAK AVENUE AND THE PORTER SLOUGH (Sierra View Local Health Care District)

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 H Street and Kessing Street between Oak Avenue and the Porter Slough. The Sierra View Local Health Care District represents the proprietary interest to all the property fronting the proposed street vacation and is hereby the requesting party.

The proposed vacation is consistent with plans for the easterly expansion of the Sierra View District Hospital campus. A recent traffic study concluded that current and additional traffic related to the proposed expansion would remain at acceptable levels. Therefore, staff has concluded that closure of the streets and the proposed expansion of the hospital facilities will not cause a significant impact to the surrounding roadways. A copy of the traffic study is and has been made available for public review at City Hall’s Engineering & Building Division counter.

Easements will be reserved for maintaining existing sewer and water pipelines within a segment of Kessing Street and storm drain pipelines within a segment of H Street. 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 H Street and Kessing Street between Oak Avenue and the Porter Slough;

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
Site Plan
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING,
TO PUBLIC USE, A PORTION OF H STREET AND KESSING STREET BETWEEN OAK
AVENUE AND THE PORTER SLOUGH

WHEREAS, by Resolution No. 03-2010, passed on January 19, 2010, the Council of the City of Porterville declared its intention to vacate a portion of H Street and Kessing Street between Oak Avenue and the Porter Slough, hereinafter more particularly described, and set the hour of 7:00 p.m. on the 16th day of March, 2010 or as soon thereafter as the matter can be heard, 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 the public was given the opportunity to speak in favor or against 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 H Street and Kessing Street between Oak Avenue and the Porter Slough 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 16th day of March, 2010.

__________________________________________
Pete V. McCracken, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Luisa Herrera, Deputy City Clerk
EXHIBIT "A"

H STREET ABANDONMENT
LEGAL DESCRIPTION

That real property situate in the Southeast quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at the northeast corner of Lot 1 of Edgemont Subdivision, as recorded in Book 19, Page 68 of Maps, Tulare County Records, being a point on the south line of Porter Slough; thence

1) South 64°39'19" East, along said south line, 65.86 feet, more or less, to the northwest corner of that parcel described in deed recorded March 17, 2009 as Document Number 2009-0015205, Official Records of Tulare County; thence

2) South 00°59'52" West, along the westerly line of said parcel, a distance of 279.74 feet, more or less, to the southwest corner of said parcel, being a point on the north right of way line of Oak Avenue; thence

3) North 88°56'38" West, along said north right of way line, 60.00 feet, more or less, to the southeast corner of Lot 5 of said Edgemont Subdivision; thence

4) North 00°59'52" East, along the east line of Lots 1 through 5 of said Edgemont Subdivision, a distance of 306.83 feet, more or less, to the POINT OF BEGINNING.

Containing an area of approximately 0.40 acres.

Reserving unto the City of Porterville an easement for the maintenance, repair, and replacement of a storm drain pipeline and appurtenances, over, across, and under a portion of the described real property, being 2 (two) strips of land, each 10 feet in width, more particularly described as follows:

Strip 1:
The West 10.00 feet of the East 13.00 feet thereof.

Containing an area of approximately 0.07 acres.

Strip 2:
The East 10.00 feet of the West 13.00 feet thereof, excepting therefrom the South 178.00 feet thereof.

Containing an area of approximately 0.03 acres.

END OF DESCRIPTION
EXHIBIT “A”

KESSING STREET ABANDONMENT
LEGAL DESCRIPTION

That real property situated in the Southeast quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at the northwest corner of Lot 1 of Edgemont Subdivision Number 2, as recorded in Book 20, Page 8 of Maps, Tulare County Records, being a point on the south right of way line of Putnam Avenue; thence

1) South 00°59'52" West, along the west line of said Edgemont Subdivision Number 2 and continuing along the west line of Lots 6 through 10 of Edgemont Subdivision, as recorded in Book 19, Page 68 of Maps, Tulare County Records, 543.78 feet to the southwest corner of said Lot 6, being a point on the north right of way line of Oak Avenue; thence

2) North 88°56'38" West, along said north right of way line, 50.00 feet to the southeast corner of Lot 19 of said Edgemont Subdivision; thence

3) North 00°59'52" East, along the east line of Lots 11 through 19 of said Edgemont Subdivision, 493.58 feet, to an angle point in the east line of said Lot 11; thence

4) North 44°05'27" West, along the northeasterly line of said Lot 11, a distance of 70.60 feet to an angle point in said line, being a point on the south right of way line of Putnam Avenue; thence

5) South 89°10'46" East, along said south right of way line, 100.00 feet to the POINT OF BEGINNING.

Containing an area of approximately 0.65 acres.

Reserving unto the City of Porterville an easement for the maintenance, repair, and replacement of a water pipeline and appurtenances, over, across, and under a portion of the described real property, being a strip of land 10 feet in width, more particularly described as follows:

The West 10.00 feet of the East 40.00 feet thereof.

Containing an area of approximately 0.12 acres.

Also Reserving unto the City of Porterville an easement for the maintenance, repair, and replacement of a sanitary sewer pipeline and appurtenances, over, across, and under a
portion of the described real property, being a strip of land 10 feet in width, the centerline of which is more particularly described as follows:

Beginning at the southeast corner of Lot 15 of said Edgemont Subdivision; thence

South 88°51'08" East, 50 feet, more or less, to the southwest corner of Lot 10 of said Edgemont Subdivision, and the terminus of said strip.

Containing an area of approximately 0.01 acres.

END OF DESCRIPTION
CITY COUNCIL AGENDA: MARCH 16, 2010

PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 4-92, MODIFICATION NO.2 AND DESIGN "D" OVERLAY SITE REVIEW 2-2010 (DON VINO’S)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENTS: The applicant is requesting approval of a modification to Conditional Use Permit (CUP) 4-92 and approval of Design "D" Overlay Site Review 2-2010 to allow for the construction of a ±2,191 square foot covered patio for outdoor dining for Don Vino’s Italian Bar and Grill located at 247 N. Main Street located in a C-2 (Central Commercial) Zone within the City of Porterville’s Downtown “D” Overlay district.

The modification to Conditional Use Permit 4-92 proposes to increase the size of the restaurant by adding ±2,191 square feet of covered patio and to increase the maximum seating capacity from 150 persons to 280 persons. The patio is proposed to shelter sixteen (16) tables and one hundred and forty-four (144) seats.

Additionally, the covered patio is designed to match the existing restaurant with a terra cotta color and it meets the Downtown Porterville Architectural Design Guidelines and Zoning Ordinance requirements. No outdoor bar is allowed and the hours of operation will remain the same:

- Sunday - Thursday 6am-11pm
- Friday - Saturday & Holidays 6am-2am

The Council may wish to make the hours of operation consistent with the other restaurant/bars in the City. The hours of operation for other similar businesses are seven (7) days a week 6am to 2am (The Mecca) and 10am to 2am (The Brickhouse).

ENVIRONMENTAL: Pursuant to section 15301 Class 1 (e) (2) (Existing Facility), the proposed project is categorically exempt from the California Environmental Quality Act (CEQA).
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution containing findings and conditions in support of the approval of Conditional Use Permit 4-92, Modification No. 2.

2. Adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 2-2010.

ATTACHMENT: Complete Staff Report
CITY COUNCIL STAFF REPORT
City of Porterville
March 16, 2010

MODIFICATION NO. 2 FOR TO CONDITIONAL USE PERMIT 4-92 AND
DESIGN REVIEW OVERLAY 2-2010 (DON VINOS)
FOR CITY COUNCIL MEETING OF MARCH 16, 2010

APPLICANT:                      Gary Weaver
                                1210 Lotas Way
                                Porterville, CA 93257

PROPERTY OWNER:                 Francisco Madrigal
                                247 N. Main Street
                                Porterville, CA 93257

SPECIFIC REQUEST: The applicant is requesting approval of Modification No. 2
to Conditional Use Permit(CUP) 4-92 and “D” Overlay Site Review 2-2010 to allow for
the construction of a ± 2,191 square feet covered patio for outdoor dining for Don Vino’s
Italian Bar and Grill located at 247 N. Main Street located in a C-2 (Central Commercial)
Zone within the City of Porterville’s Downtown “D” Overlay district.

SIZE OF PROPERTY:  ± .26 acres

GENERAL PLAN CLASSIFICATION: Downtown Retail

ZONING CLASSIFICATION: C-2 (D) Central Commercial/ Design
                    Review Overlay

SURROUNDING ZONING & LAND USE:

North: City C-2 (D) Central Commercial/ Design Review Overlay –
          Social Services Office/City Hall/ and commercial beyond

West: City C-2 (D) Central Commercial/ Design Review Overlay –
       Professional Office and Commercial

South: City C-2 (D) Central Commercial/ Design Review Overlay-
       Union Bank and commercial

East: City C-2 (D) Central Commercial/ Design Review Overlay-
      Downtown commercial mixed uses (restaurants, antique store,
      apartments, tuxedo shop, etc.)

ATTACHMENT
ITEM NO. 1
LEGAL NOTICES:

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Categorically exempt from CEQA</td>
<td>March 5, 2010</td>
<td>March 3, 2010</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL REVIEW:

Pursuant to section 15301 Class 1 (e) (2) (Existing Facility), the proposed project is categorically exempt from the California Environmental Quality Act (CEQA).

HISTORY:

On December 3, 1996, the Porterville City Council adopted Resolution 167-96 approving Modification No. 1 to Conditional Use Permit 4-92 containing findings and conditions to allow the operation of a ± 4,600 square foot restaurant, the on-site sale of alcohol under a Type 47 on-sale license, an extension of business hours on selected days, a sit-down cocktail bar/lounge, and allow for amplified music and dancing.

PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of a modification to CUP 4-92 and approval of “D” Overlay Site Review 2-2010 to allow for the construction of a ±2,191 square foot covered patio for outdoor dining for Don Vino’s Italian Bar and Grill Restaurant located at 247 N. Main Street in a C-2 (Central Commercial) Zone within the City of Porterville’s Downtown “D” Overlay district.

Modification No. 2 to the CUP proposes to increase the size of the restaurant by adding ± 2,191 square feet of covered patio and to increase the maximum seating capacity from 150 persons to 280 persons. The patio proposes to shelter sixteen (16) tables and one hundred and forty-four (144) seats.

Additionally, the covered patio is designed to match the existing restaurant with a terra cotta color and it meets the Downtown Porterville Architectural Design Guidelines and Zoning Ordinance requirements. No outdoor bar is allowed and the hours of operation will remain the same:

- Sunday - Thursday: 6am-11pm
- Friday-Saturday & Holidays: 6am-2am

The Council may wish to make the hours of operation consistent with the other restaurant/bars in the City. The hours of operation for other similar businesses are seven (7) days a week 6am to 2am (The Mecca) and 10am to 2am (The Brickhouse).

Don Vino’s Italian Bar and Grill Restaurant serves authentic Italian cuisine in a warm, comfortable, and romantic environment. The restaurant has been a part of the community since 1992 offering a sit-down cocktail bar, music, dancing and hosting special events for
the community. The proposed covered patio (Spanish Design) would improve the site and quality of life for the patrons by allowing sheltered outdoor dining and promoting good design and economic development for the downtown area.

**STAFF RECOMMENDATION:** That the City Council:

1. Adopt the draft resolution containing findings and conditions in support of the approval of Conditional Use Permit 4-92 and Modification No. 2.

2. Adopt the draft resolution containing findings and conditions in support of the approval for "D" Overlay Site Review 2-2010.

**ATTACHMENTS:**

1. Locator Map/ General Plan Land Use/ Zoning
2. Site Plan/ Floor Plan
3. Elevations/ Color Rendering
4. Resolution 167-96
5. Draft Resolution Approving Conditional Use Permit 4-92 Modification No. 2
6. Draft Resolution Approving “D” Overlay Site Review 2-2010

Fernando Rios
Project Planner

March 16, 2010
Date
Legend

- Project Site

Downtown Retail/ C-2 (D)
RESOLUTION NO. 167-96

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE CONTAINING FINDINGS AND
CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 4-92 (MODIFICATION NO. 1)
TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES UNDER A
TYPE 47 (DISTILLED SPIRITS) ON-SALE LICENSE IN LIEU OF
THE EXISTING TYPE 41 (BEER AND WINE) ON-SALE LICENSE,
EXTENSION OF BUSINESS HOURS ON SELECTED DAYS,
A SIT-DOWN COCKTAIL BAR AND LOUNGE, AMPLIFIED MUSIC, AND
DANCING IN A 4,600± SQUARE FOOT RESTAURANT LOCATED AT
247 NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its
regularly scheduled meeting of December 3, 1996, conducted a public
hearing to consider Conditional Use Permit 4-92 (Modification No. 1)
being a request to allow the sale of alcoholic beverages including
distilled spirits, under a Type 47 on-sale license, an extension of
business hours on selected days, a sit-down cocktail bar and
lounge, amplified music, and dancing in conjunction with the
operation of a restaurant in a 4,600± square foot building located
in the C-2 (Central Commercial) zone at 247 North Main Street; and

WHEREAS: The City Council received testimony from all
interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General
   Plan.

2. That the design and operation of the proposed project are
   consistent with the General Plan.

3. That the proposed use is not likely to cause substantial
   environmental damage.

4. That pursuant to Class 23, Section 15323 of the
   California Environmental Quality Act Guidelines, the
   Conditional Use Permit to allow the sale of alcoholic
   beverages under a Type 47 on-sale license in conjunction
   with the operation of a restaurant and cocktail lounge is

ATTACHMENT
ITEM NO. 4
Categorically Exempt.

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

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

7. That the proposed sale of alcoholic beverages under an on-sale license is allowed in the C-2 zone subject to the approval of a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-92 (Modification No.1) subject to the following conditions:

1. The hours and days of operation during which alcoholic beverages may be sold under the Type 47 on-sale license shall be from 6:00 a.m. to 11:00 p.m. Sunday through Thursday, and 6:00 a.m. to 2:00 a.m. Friday, Saturday, and Holidays.

2. That any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

3. All alcoholic beverages sold under the on-sale license must be consumed on the premises. The sale of alcoholic beverages on a “take out” basis shall be expressly prohibited.

4. The applicant/owner shall provide security personnel during the times when recorded or live entertainment is featured (8:00 p.m. to 2:00 a.m.).

5. A maximum seating capacity of 150 persons shall be maintained.

6. Seating, dining, and/or drinking shall not be allowed in the designated exit ways as delineated on Exhibit "A" attached hereto.

7. Any violation of Condition No. 6 (above) will trigger the requirement to provide an automatic fire sprinkler system
for the entire structure, pursuant to adopted fire codes governing the use.

8. The applicant shall secure written approval from the Porterville Police Department prior to allowing dancing on the premises, as proposed.

9. Policy 3-3.2 of the Noise Element of the General Plan states that noise level generated from outdoor activity areas be limited to no greater than 65 dB $L_{dn}$ (or CNEL). In compliance with this policy, the applicant must maintain outdoor generated amplified music at 65 dB $L_{dn}$ (or CNEL) at property line.

ATTEST:

Virginia R. Gurrola, Mayor

C. J. Hurfaker, City Clerk
STATE OF CALIFORNIA
( SS
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of December, 1996.

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

<table>
<thead>
<tr>
<th>Councilmen:</th>
<th>REED</th>
<th>NICHOLSON</th>
<th>GIBBONS</th>
<th>CLARK</th>
<th>GURROLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 4-92 (MODIFICATION NO. 2) TO ALLOW THE CONSTRUCTION OF A 2,191± SQUARE FOOT COVERED PATIO FOR OUTDOOR DINING AND TO INCREASE THE MAXIMUM SEATING CAPACITY FROM 150 TO 280 PERSONS FOR DON VINO’S ITALIAN BAR AND GRILL LOCATED AT 247 N. MAIN STREET.

WHEREAS: On December 3, 1996, the Porterville City Council adopted Resolution 167-96 approving Conditional Use Permit 4-92, Modification No. 1 under, containing findings and conditions to allow the operation of a 4,600± square foot restaurant, the on-site sale of alcohol under a Type 47 on-sale license, an extension of business hours on selected days, a sit-down cocktail bar/lounge, and allow amplified music and dancing; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of March 16, 2010, conducted a public hearing to consider Modification No. 2 to Conditional Use Permit 4-92 to modify the originally approved 4,600± square foot restaurant to include a 2,191± square foot covered patio for outdoor dining and to increase the maximum seating capacity from 150 to 280 persons; and

WHEREAS: In conjunction with Modification No. 2 to Conditional Use Permit 4-92, “D” Overlay Site Review 2-2010, proposes to allow the construction of a 2,191± square foot detached covered patio that is terra cotta in color and is architecturally designed (Spanish Design) to match the existing restaurant; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan.

2. That the design and operation of the proposed project are consistent with the General Plan.

3. That the proposed use is not likely to cause substantial environmental damage.

4. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.
5. The standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

6. That the sale of alcoholic beverages under an on-sale license is allowed in the C-2 zone subject to the approved Conditional Use Permit.

WHEREAS: Pursuant to section 15301 Class 1 (e) (2) (Existing Facility), the proposed project is categorically exempt from the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-92, Modification No. 2 subject to the following conditions:

1. That any future changes in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

2. That a maximum seating capacity shall increase from 150 to 280 persons and that shall be maintained.

3. That the Conditional Use Permit 4-92 (Modification No.2) shall include a 2,191± square foot covered patio for outdoor dinning.

4. That the applicant/owner shall comply with the Conditions set forth in Conditional Use Permit 4-92

5. That no outdoor bar shall be allowed.

6. The project shall be developed in accordance with the architectural elevations received for City Council Review, attached hereto and incorporated as Attachments 2 & 3. The materials and color palette shall have a variety of colors and materials consistent with the projects’ overall theme and architecture. The project shall be developed in accordance with approved exterior materials and color. Prior to making any modification of exterior materials and colors, plan and or color samples showing the proposed modifications shall be submitted to the Community Development for approval, and any modifications shall comply with the approved plans and/or color samples.
7. That Conditional Use Permit 4-92, Modification No. 2 is contingent upon the approval of Design Review Overlay 2-2010.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By

Luisa Herrera, Deputy City Clerk
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR “D” OVERLAY SITE REVIEW 2-2010 TO ALLOW THE CONSTRUCTION OF A 2,191± SQUARE FOOT COVERED PATIO FOR OUTDOOR DINING FOR DON VINO’S ITALIAN BAR AND GRILL LOCATED AT 247 N. MAIN STREET.

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of March 16, 2010, reviewed the application material for the 2,191± square feet covered patio for outdoor dining for Don Vino’s Italian Bar and Grill located at 247 N. Main Street; and

WHEREAS: The proposed project meets the Downtown Porterville Architectural Design Guidelines and Zoning Ordinance requirements; and

WHEREAS: Pursuant to Article 18 (Supplemental “D”- Design Review Overlay) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan Land Use of Downtown Retail and Zoning Designation, Central Commercial (C-2 (D)).

2. That the proposed project is consistent with the General Plan Land Use Policies and Objectives.

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

4. That the proposed project per Section 15301 (Class 1) of the CEQA Guidelines is Categorically Exempt.

5. That the existing facility and site is physically suitable for the type of development proposed

6. That the designs of the improvements are not likely to cause substantial environmental damage.

WHEREAS: The proposed project is Categorically Exempt pursuant to Section 15301 Class 1 of the CEQA Guidelines- Existing facilities.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve "D" Overlay Site Review 2-2010 under the Supplemental "D" Overlay Zone regulation subject to the following conditions:

1. That any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council.

2. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted building codes and all other applicable laws and ordinances.

3. That the applicant shall comply with the Conditions set forth in Conditional Use Permit 4-92.

4. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Article 31 of the Porterville Zoning Ordinance.

5. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

6. That the noise generated by this use shall not exceed the limits established by the Noise Regulations of the City of Porterville and State of California.

7. That the subject site will be developed/maintained in accordance with the plans labeled EXHIBIT “A” and EXHIBIT “B”.

8. A grease trap or grease interceptor is required.

9. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

10. The project must comply with latest applicable codes.

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

12. 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.
13. For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

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

15. 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.

16. Fire hydrant spacing shall be as follows:
   • In Commercial development, one hydrant shall be installed at 300-foot intervals. Or as required by Appendix C California Fire Code.

17. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code. Submit showing types of construction in order to determine this requirement.

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

19. A Maximum occupancy capacity of 280 persons shall be maintained.

20. Any graffiti on the property shall be promptly painted out. If the problem persists, a plan for preventing recurrence shall be submitted to the Community Development Department for review and approval and shall be implemented as approved. Suggested anti-graffiti measures include the use of vertical landscaping or vines along affected wall surfaces, and/or the use of anti-graffiti paint.

21. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

22. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than 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.

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

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

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.

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

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

If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances.

26. The developer/applicant shall install a refuse container enclosure 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 location requires refuse trucks to travel on the parking lot. The enclosure opening shall be oriented for direct access.

27. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The property is within a Flood Hazard Zone AO with a Base Flood Elevation that is one foot above the 100-year flood. A Licensed Civil Engineer or Land Surveyor shall confirm that the finished floor will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finish floor is at or above the Base Flood Elevation by submitting an Elevation Certificate to the City Engineer for approval prior to the issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificates are available within the Engineering
Division upon request. The base flood elevation has yet to be determined by the City in this area and will be the responsibility of the applicant's engineer to do so. The City's ordinance does allow for "Floodproofing" of commercial buildings when the structure is constructed below the base flood elevation. This is an option available to the applicant should it become infeasible to construct a building pad as required.

28. 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.

29. 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.

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

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

32. Approval from Tulare County Health Department prior to issuance of the building permit.

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

34. That this project is A-2 Occupancy.

35. That there shall be no deferred items.

36. That the approval of Design Review Overlay 2-2010 is contingent upon approval of Modification No. 2 to Conditional Use Permit 4-92.

______________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
Luisa Herrera, Deputy City Clerk

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Pursuant to Resolution 24-2006, the Transaction and Use Tax Oversight Committee was established and charged with monitoring Measure H revenues and expenditures to ensure consistency with the intent of Measure “H.”

The Committee has presented its finding to the City Council that the 2008-2009 Measure H expenditures were non-consistent with the adopted 2008-2009 Measure H Expenditure Plan. As set forth in Resolution 24-2006, if a determination of “non consistent” is reported to the Council by the Committee, the Council shall hold a public hearing on the issue and, in the event the Council concurs with the Committee’s finding, shall take whatever action is necessary and appropriate to correct the issue.

RECOMMENDATION: That the Council conduct a public hearing and consider the finding of the Transaction and Use Tax Oversight Committee that the 2008-2009 Measure “H” expenditures were “non-consistent” with the adopted 2008-2009 Measure “H” Expenditure Plan.

ATTACHMENT: Resolution 24-2006
RESOLUTION NO. 24—2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING AN INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE
CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES
DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY,
POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on
December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part
1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of
the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that
shall become operative if at least two-thirds of the electors voting on the measure vote to approve the
tax at an election called for that purpose; and

WHEREAS, Ordinance No. 1684 imposes, upon all retailers in the incorporated territory of the
City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross
receipts of any retailer from the sale of all tangible personal property subject to the State sales and use
tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the Transactions and Use Tax for
Public Safety, Police and Fire Protection appeared on the November 8, 2005 Special Consolidated
Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to
provide a source of revenue to be used to provide additional public safety, police, fire protection
services and undertake necessary capital projects to support those services, and to restore and maintain
literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special
fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public
Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety
Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long
as the funds are utilized for public safety, police and fire protection services. For the purposes of the
Ordinance, “Public Safety Services” means (a) obtaining, furnishing, operating, and/or maintaining
police protection equipment or apparatus, paying the salaries and benefits of police protection
personnel, and such other police protection service expenses as are deemed necessary by the City
Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or
maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection
personnel, and such other fire protection service expenses, including capital expenses, as are deemed
necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no
more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy
programs due to the established connection between illiteracy and crime; and

1
WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen's oversight committee as follows:

A. Name: The committee shall be known as the Transactions and Use Tax Oversight Committee.

B. Purpose

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as "consistent with the intent of the ballot measure" or "non consistent."

Should a determination of "non consistent" be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure "H" and that the City is not under funding the public safety departments based on the approved funding levels.

2. Oversight: Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

C. Charge of Committee

1. Monitoring of expenditures: To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.

2. Inform public of failure to expend revenues: To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

The charge of the committee may be revised from time-to-time by the Porterville City Council.
D. **Powers:** The Porterville City Council empowers the committee with the following powers:

1. **Oversight:** Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.

2. **Review financial statements:** Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.

3. **Review of General Fund Budgets:** Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

The committee shall not have the following authority:

1. **No authority to recommend or advise:** The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

E. **Committee Operations**

1. **Establishing the committee:** The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.

2. **First meeting:** The committee shall hold its first meeting within 60 days of adoption of the City’s 2006/2007 Annual Budget.

3. **Open meeting requirements:** Meetings of the committee are subject to the open meeting requirements of the Ralph M. Brown Act. Meetings shall be noticed and open to the public.

4. **Annual report:** The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.

5. **Meet at least once annually:** The committee shall meet at least once annually after adoption of the City budget.
6. **Quorum:** The committee shall make decisions by a simple majority vote of those members in attendance.

7. **Record:** The committee shall maintain a record of its meetings.

8. **Location of meetings:** The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.

9. **Officers:** The committee shall elect a chairperson, vice chairperson, and secretary.

10. **Effective operation of meetings:** The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.

11. **Administrative staff:** The City Manager or his designee will provide necessary administrative and technical assistance to the committee.

12. **Resources available to the committee:** The committee shall be provided the resources to publicize its conclusions—the minimum level of resource to be a page on the City of Porterville website.

**F. Committee Composition:** The committee shall consist of 10 members as follows:

1. **City Council appointments:** For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.

2. **Criteria for appointment:** No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.

3. **Length of appointment; rescission of appointment:** For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.

4. **Recommendation to remove by committee:** Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.
Porterville Police, Fire, and Emergency Response 9-1-1 Measure
Program Guidelines and Expenditure Plan

This measure will provide a secure, local revenue stream to the City of Porterville that will be used entirely to provide additional public safety police and fire personnel and services to protect our community. Porterville residents deserve to know how the funds will be spent. Detailed spending plans have been developed so voters can have a clear understanding of how the monies will be spent if the ½ cent sales tax is approved. Program guidelines have also been established to govern how the money can be spent, to specify the accounting, audit and oversight guidelines that will be implemented to make certain that the funds are spent according to the voter’s direction, and to ensure the public is well-informed of the progress and process.

Fiscal Accountability Protections

An Independent Auditor will annually review and audit expenditures of funds specifically derived from the Public Safety Measure, to ensure compliance with the expenditure plans and with prudent, established accounting regulations and practices.

The City will establish an Independent Citizen’s Oversight Committee to annually review revenues and expenditures, providing a second independent verification that all expenditures are being made as promised to Porterville residents. The findings of both the Independent Citizens Oversight Committee and the Independent Auditor will be reviewed by the City Council and made available to the public.

Each May or June, as the City’s budget is adopted following public hearings, the City Manager will re-certify the plan to the City Council, stating what monies have been received, what monies have been spent and what monies are available. The financial consequences of these changes will be reflected in the re-certified plan.

Dedicated Accounting Structure

The Expenditure Plan specifies that all revenues from the Measure are to be utilized for the sole purpose of improving our community’s public safety, with the revenue to be directed to the police and fire departments respectively, and with a small portion (not more than 15%) dedicated to the restoration and maintenance of literacy programs due to the established connection between illiteracy and crime. The funding proportions have been mutually agreed upon by the Police Chief and Fire Chief.

The City will establish separate funds into which these specific monies shall be deposited. These accounts shall be separate for police and fire and shall be the source of their respective expenditures as established in the approved expenditure plans. Any balances in these funds, positive or negative, shall earn or pay interest accordingly.

Based on public safety needs, the City Council may determine to advance funds from the City’s General Fund into the individual Public Safety Sales Tax Fund in order to most effectively accomplish the objectives of the program.

Priorities if additional revenues are available

In the event that the contingency/reserve fund is fully funded and all annual planned expenditures have been implemented, the use of the additional unanticipated sales tax revenues will be used first to accelerate the implementation of the plan and then to provide additional public safety facilities, personnel, and new equipment based on specific needs of the community.

Review and Modification of Expenditure Plan

The proposed Expenditure Plan may be amended from time to time by a majority vote of the City Council.
NOVEMBER 2005 BALLOT MEASURE EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on ½ Cent Sales Tax availability

The City Council has evaluated Porterville’s safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

Fiscal Year 2005-06 Sales Tax Revenue available (partial year) $600,000
Additional Supplemental Resources (General Fund) $50,903
Total Resources Available $650,903

Increase Police Sworn by 5 positions to the base and outfit (partial year) $412,803
Increase Fire Sworn by 7 positions to the base and outfit (partial year) $148,100
Restore Literacy Programs/hours (partial year) $90,000
Total 2005-06 Fiscal Year Expenditures $650,903

Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y) $1,792,000

Increase Police Sworn by 1 additional position to the base $85,000
Maintain and Expand Patrol Operations $405,000
Maintain and Expand Gang Suppression and Narcotics Operations $215,000
Maintain 7 additional Sworn Fire personnel $521,156
Purchase additional Fire Rescue Apparatus $140,000
Purchase Rescue Equipment for new Fire Apparatus $25,000
Purchase Personal Safety Equipment for additional Fire Fighters $14,000
Maintain Literacy Program/hours $160,000
Expand Homework Assistance and Creative Expression Program $80,000
Establish Capital Reserve Fund for New Fire Station $126,844
Total 2006-07 Fiscal Year Expenditures $1,792,000

Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y) $1,863,680

Increase Police Sworn by 1 additional position to the base $87,000
Maintain Expanded Patrol Operations $508,000
Maintain Expanded Gang Suppression and Narcotics Operations $255,250
Maintain 7 additional Sworn Fire personnel $557,637
Hire 1 additional Fire Investigator $74,167
Station and Equipment $20,000
Maintain Literacy Programs/hours $187,200
Expand Homework Assistance and Creative Expression Program $83,200
Increase Established Capital Reserve Fund for New Fire Station $91,226
Total 2007-08 Fiscal Year Expenditures $1,863,680
<table>
<thead>
<tr>
<th>Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)</th>
<th>$1,938,227</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td>$50,000</td>
</tr>
<tr>
<td>Total Resources Available</td>
<td>$1,988,227</td>
</tr>
<tr>
<td>Increase Police Sworn by 1 additional position to the base</td>
<td>$91,000</td>
</tr>
<tr>
<td>Maintain Expanded Patrol Operations</td>
<td>$566,000</td>
</tr>
<tr>
<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$320,763</td>
</tr>
<tr>
<td>Maintain 8 additional Sworn Fire personnel</td>
<td>$676,030</td>
</tr>
<tr>
<td>Safety Equipment</td>
<td>$5,000</td>
</tr>
<tr>
<td>Maintain Literacy Programs/Hours</td>
<td>$194,688</td>
</tr>
<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$86,528</td>
</tr>
<tr>
<td>Increase Established Capital Reserve Fund for New Fire Station</td>
<td>$48,218</td>
</tr>
<tr>
<td>Total 2007-08 Fiscal Year Expenditures</td>
<td>$,988,227</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y)</th>
<th>$2,015,756</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td>$75,000</td>
</tr>
<tr>
<td>Total Resources Available</td>
<td>$2,090,756</td>
</tr>
<tr>
<td>Maintain 8 additional Sworn Police personnel</td>
<td>$630,000</td>
</tr>
<tr>
<td>Maintain Expanded Patrol Operations</td>
<td></td>
</tr>
<tr>
<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$398,651</td>
</tr>
<tr>
<td>Maintain 8 additional Sworn Fire personnel</td>
<td>$723,352</td>
</tr>
<tr>
<td>Maintain Literacy Programs/Hours</td>
<td>$202,476</td>
</tr>
<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$89,989</td>
</tr>
<tr>
<td>Partial Year Debt Service Payment on New Fire Station Financing</td>
<td>$48,288</td>
</tr>
<tr>
<td>Total 2009-10 Fiscal Year Expenditures</td>
<td>$2,090,756</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)</th>
<th>$2,096,387</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td>$150,000</td>
</tr>
<tr>
<td>Total Resources Available</td>
<td>$2,246,387</td>
</tr>
<tr>
<td>Maintain 8 additional Sworn Police personnel</td>
<td>$664,000</td>
</tr>
<tr>
<td>Maintain Expanded Patrol Operations</td>
<td></td>
</tr>
<tr>
<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$413,983</td>
</tr>
<tr>
<td>Maintain 8 additional Sworn Fire personnel</td>
<td>$773,352</td>
</tr>
<tr>
<td>Maintain Literacy Programs/Hours</td>
<td>$210,575</td>
</tr>
<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$93,589</td>
</tr>
<tr>
<td>Debt Service on New Fire Station Financing</td>
<td>$90,889</td>
</tr>
<tr>
<td>Total 2010-11 Fiscal Year Expenditures</td>
<td>$2,246,387</td>
</tr>
</tbody>
</table>

* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09. $266,288
1. Assumes 4% growth rate in annual sales tax revenue.

2. Current General Fund monies and State and School Subventions provide for 44.5 Sworn Police Officers. Additional grant funding has provided for 2.5 additional Sworn Police Officers. Additional positions funded through this sales tax measure will add positions to the base of 45 Sworn Police Officers.

3. Additional General Fund Utility User’s Taxes generated from annexation activity during the course of this expenditure plan will be proposed to be specifically earmarked for additional Police positions. These additional positions will modify the base above the 45 positions as described in Note 2.

4. Literacy programs delivered through the Library will annually receive up to 15% of the new revenue provided by this sales tax measure.

5. The City will use base budget amounts established and approved under the Expenditure Control Budget System in determining additional funding for Police, Fire, and Literacy programs delivered through the Library to prevent erosion of existing General Fund support for these activities.
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE   )  SS
COUNTY OF TULARE     )

I, JOHN LONGLLEY, 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 21st day of February, 2006.

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

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

JOHN LONGLLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
CITY COUNCIL AGENDA: MARCH 16, 2010

SCHEDULED MATTER

TITLE: DESIGN “D” OVERLAY SITE REVIEW 1-2010 (MEDICAL OFFICE BUILDINGS – DR. VEMURI)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of “D” Overlay Site Review 1-2010 to allow for the development of medical office buildings to be located at 557 W. Morton Avenue. The proposed project site is identified by the General Plan Land Use Map as Professional Office and zoned Professional Office with a Design Review Overlay (PO-D). The medical office buildings are located just east of the Cobble Stone Court development on a ±1.2 acre site.

The proposed project is to be developed in two phases. The first phase will consist of building “A,” the northern nineteen parking stalls, wrought iron fencing along Morton Ave, the block wall along the east and south property lines and all the landscaping in these areas. The second phase will consist of building “B” and the remainder of the development.

Building “A” is a ±3,200 square foot medical office building consisting of five (5) exam rooms, three (3) offices, waiting room, restrooms, break room and a ±1,100 square foot future lease space. The building is completely surrounded with landscaping (shrubs and trees) and fronts Morton Avenue. Building “B” is ±3,840 square feet for leasing purposes and also surrounded with landscaping and situated toward the rear of the property.

On December 16, 2009, the Project Review Committee (PRC) reviewed the project and found it is consistent with the City of Porterville’s General Plan Land Use Polices and Guidelines and that the design is consistent with the requirements of the Zoning Ordinance. The facility provides thirty-eight (38) parking spaces and meets minimum landscaping requirements.

The site is currently vacant but was previously developed with a single family residence that was demolished in March of 2009. The proposed buildings are designed to include a variety of materials, architectural features, and enhanced landscaping that will improve the site and enhance the existing neighborhood and community by promoting good design and economic development.

APPROPRIATED/FUNDED

ITEM NO. 10
RECOMMENDATION: That the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 1-2010.

ATTACHMENT: Complete Staff Report
DESIGN REVIEW OVERLAY 1-2010 (MEDICAL OFFICE BUILDINGS)
FOR CITY COUNCIL MEETING OF MARCH 16, 2010

APPLICANT: Gary Weaver
1210 Lotas Way
Porterville, CA 93257

PROPERTY OWNER: Nirupama Yalamanchili
608 W. Melinda Avenue
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting approval of a
 "D" Overlay Site Review 1-2010 to allow
 for the development of medical office
 buildings located at 557 W. Morton Avenue.

SIZE OF PROPERTY: ± 1.2acres

GENERAL PLAN CLASSIFICATION: Professional Office

ZONING CLASSIFICATION: PO (D) Professional Office/ Design Review
Overlay

SURROUNDING ZONING LAND USE:

North: City- R-3/ High Density Residential
West: City- C-2/ Cobble Stone Development
South: City- PO/ Professional Offices
East: City- R-3/ Vacant Lot

ENVIRONMENTAL REVIEW:

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

ATTACHMENT
ITEM NO. 1
PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of “D” Overlay Site Review 1-2010 to allow for the development of medical office buildings to be located at 557 W. Morton Avenue. The proposed project site is identified by the General Plan Land Use Map as Professional Office and zoned Professional Office with a Design Review Overlay (PO-D). The medical office buildings are located just east of the Cobble Stone Court development on a ±1.2 acre site.

The “D” Overlay consists of two (2) single-level buildings, each with an off white stucco finish, brown/gray stucco fascia, 4” stucco blue trim, and terra cotta “flat” type tile roof. The project proposes an architecturally decorative six foot black wrought iron fence along Morton Avenue and a six foot high concrete block wall along the east and south property lines.

The proposed project is to be developed in two phases. The first phase will consist of building “A”, the northern nineteen parking stalls, wrought iron fencing along Morton Ave, the block wall along the east and south property lines and all the landscaping in these areas. The second phase will consist of building “B” and the remainder of the development.

Building “A” is a ±3,200 square foot medical office building consisting of five (5) exam rooms, three (3) offices, waiting room, restrooms, break room and a 1,100 square foot future lease space. The building is completely surrounded with landscaping (shrubs and trees) and fronts Morton Avenue. Building “B” is ±3,840 square feet for leasing purposes and also surrounded with landscaping and situated toward the rear of the property.

On December 16, 2009, the Project Review Committee (PRC) reviewed the project and found it is consistent with the City of Porterville’s General Plan Land Use Policies and Guidelines and that the design is consistent with the requirements of the Zoning Ordinance. The facility provides thirty-eight (38) parking spaces and meets minimum landscaping requirements.

The site is currently vacant but was previously developed with a single family residence that was demolished in March of 2009. The proposed buildings are designed to include a variety of materials, architectural features, and enhanced landscaping that will improve the site and enhance the existing neighborhood and community by promoting good design and economic development.

The project is located on a major arterial highly traffic area and is compatible with the enhanced architectural features found in other new design review overlay sites within the City of Porterville. This proposal would enhance the look of the community by creating good architectural design within a high traffic area of town.
STAFF RECOMMENDATION:

Staff recommends that the City Council adopt the draft resolution Design Review Overlay 1-2010 subject to conditions of approval.

ATTACHMENTS:

1. Locator/ General Plan Land Use/ Zoning Map
2. Site Plan
3. Landscaping Plan
4. Floor Plan (Building “A” & “B”)
5. Elevation Plan (Building “A” & “B”)
6. Resolution

Fernando Rios
Project Planner

March 16, 2010
Date
Legend

- Project Site
- Professional Office/ PO(D)

"D" Overlay 1-2010
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR "D" OVERLAY SITE REVIEW 1-2010 TO ALLOW THE DEVELOPMENT OF MEDICAL OFFICE BUILDINGS LOCATED AT 577 W. MORTON AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of March 16, 2010, reviewed the application material for the proposed medical office buildings to be located at 577 W. Morton Avenue; and

WHEREAS: Pursuant to Article 18 (Supplemental "D"- Design Overlay Site Review) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan Land Use Designation of Professional Office and zoning classification Professional Office with a Design "D" Overlay Site Review PO(D).

2. That the proposed project is consistent with the General Plan Land Use Policies and Objectives.

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

4. That the proposed project, pursuant to Section 15332 (Class 32) of the CEQA Guidelines, is Categorically Exempt.

5. That the site is physically suitable for the type of development proposed as the project complies with all pertinent codes.

6. That the design of the improvements is not likely to cause substantial environmental damage.

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

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve "D" Overlay Site Review 1-2010 under the Supplemental "D" Overlay Zone regulation subject to the following conditions:

1. The proposed block wall shall comply with the City approved colors and section B-1 of the City Standards and Specifications.

2. That the entrance gate shall remain open during business hours.

ATTACHMENT
ITEM NO. 6
2. That the entrance gate shall remain open during business hours.

3. That the trash enclosure be architecturally treated and painted to match buildings.

4. That the interior of the trash enclosure be painted to match building color pallet.

5. A site data table shall be provided on the site plan, submitted for plan check, which clearly indicates the total building square footage, parking required, parking provided, disabled parking, landscape area required, landscape area provided, building height allowed, and building height proposed.

6. A minimum of 1 tree per every 35 feet along the Morton Avenue property line shall be required. Automatic irrigation systems for all landscaping shall also be required in compliance with the water efficiency landscape ordinance.

7. Ground mounted equipment shall be painted to match the background building color and/or be screened with landscaping of sufficient height at plant maturity to screen the units from public view, or other similar methods sufficient to screen mechanical equipment per the approval of the Zoning Administrator.

8. All building, plumbing, electrical and fire code requirements for the type of occupancy under the proposed use must be met prior to occupancy.

9. The entire site shall be permanently maintained free of accumulated dirt, litter and in an otherwise neat and attractive manner.

10. Three original landscaping plans of the site, including the size and species of plants (include lawn areas if applicable), a layout of the sprinkler system for maintaining the landscaping, and maintenance and watering schedule, shall be submitted to the Community Development Department for approval prior to issuance of the building permit, and the approved plan shall be implemented prior to occupancy of the premises under the permit. The landscape plan shall be in accordance with the requirements of the Municipal Code. Landscaping should be of a low water demand nature. Backflow prevention devices shall be screened with plant material and located to maximize aesthetics. An automatic irrigation system incorporating time clocks and/or moisture sensors shall be installed.

11. All landscaping areas on the property and in the public parkway shall be permanently maintained with healthy, growing plant material, free from weeds, as shown on the approved landscape plan. Landscaping shall be watered in accordance with the approved maintenance and watering schedule that is incorporated into the landscape plan. At no time shall landscape areas be permitted to show lack of fresh green color or a loss of resilience.
due to lack of water. Lawn areas (if applicable) shall be mowed and maintained so that the grass does not exceed 4 inches in height, and/or does not develop seed.

NOTE: Clumping grasses that are meant to be left in their natural state and are not meant to be mowed, such as creeping red fescue, are exempt from this condition.

Lawn areas shall be edged to prevent grass from overhanging public or private sidewalks. Litter and plant trimmings shall be removed from the site within one week of date of notice by Community Development Department. Dead or dying plant material shall be replaced within one month of notice by Community Development Department.

Failure to comply with this condition is a public nuisance and is subject to the adopted Citation Ordinance of the City of Porterville.

12. The number of backflow prevention devices to service the development shall be minimized. All backflow prevention devices shall be shown on the site plan and the landscape plan that are submitted for building permit.

All backflow prevention devices shall be screened from view of the public street. The location of each backflow prevention device and the method and extent of screening shall be approved by the Community Development Department in consultation with the Public Works Department and the Fire Department. Screening methods may include: installation of shrubs or other plant material; placement in a valve pit; placement adjacent to a trash enclosure or cart storage area; placement behind a building.

The location of fire suppression devices shall be subject to approval of the Fire Department.

A public utility easement shall be provided for the water line lateral serving each backflow prevention device or fire suppression device. The property owner shall submit a recent copy of an appropriate policy of title insurance, together with legal descriptions, closure calculations and sketch to the Engineering Division of the Public Works Department with applicable fees so that the staff may proceed with the preparation of the legal documents.

13. All landscaped areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of Cement concrete curbing.

14. Boundaries of landscaped areas, not adjacent to parking or vehicular traffic areas, shall be delineated either by concrete or redwood header board, as determined at the time of the review of the landscape plan.

15. The parkway shall be landscaped with live landscaping material, or shall be
improved with materials approved by the Public Works Department.

16. Each trash receptacle shall be stored in an enclosure. The final development plan submitted for the building permit shall specify size and location of all trash collection areas and the enclosure shall be constructed in accordance with the approved plan. The location shall be approved by the Community Development Department and the Public Works Department. The size and construction specifications of all enclosures shall be approved by the Public Works Department in accordance with their standard specification drawing and shall include the following: concrete pad with masonry block walls a minimum of 6 feet in height and constructed with gates of a solid material.

17. Mechanical equipment located on the roof shall not be allowed. Mechanical equipment shall be located on the ground level and be completely screened from public view. The height of the screening shall be as high, or higher, than the top of the mechanical equipment. The screening may be provided by an architecturally designed screen wall of solid material surrounding the equipment, or additional landscaping.

18. The height of a fence or screening wall shall be measured from the highest point of land on either side of the wall or shall be measured at the building pad, if the building pad is higher than the ground elevation on either side of the wall.

19. The developer shall comply with the City of Porterville standard dust control measures during all earth moving activities.

After the completion of the clearing, grading, or excavation phase, the entire area of disturbed soil shall be treated to reduce wind pick up of the soil. This may be accomplished by any one of the following methods:

a. The seeding and watering of the site until such time as the ground cover has taken root.

b. The spreading of soil binders.

c. The wetting down of the area in such a manner as to create a crust on the surface and the repeated soaking of the area is necessary, to maintain the crust and reduce soil blowing.

During the construction phase of the project, water trucks or sprinkler systems shall be used to keep all areas of vehicular movement damp enough to reduce dust raised from leaving the site. As a minimum, this shall include the wetting down of such areas in the late morning hours and at the close of each day's activities. Increased watering frequency shall be required whenever there are high wind conditions.

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to reduce the transport of dust off-site. This person's duty shall include holiday and weekend periods when work may not be in progress. The name and
telephone number of such person shall be provided to the City of Porterville Community Development Department office.

20. Surface drainage shall run to any of the following, or combination thereof: an alley, public drainage way, or to one or more sumps upon the property and then drain through pipes under the sidewalk to the public right-of-way in accordance with specifications of the Public Works Department. A grading plan shall be submitted to and approved by the Community Development Department prior to paving.

21. Any graffiti on the property shall be promptly painted out. If the problem persists, as determined by the Community Development Department, a plan for preventing recurrence shall be submitted to the Community Development Department for review and approval, and shall be implemented as approved. Suggested anti-graffiti measures include the use of vertical landscaping or vines along affected wall surfaces, and/or the use of anti-graffiti paint.

22. The street address(s) for the buildings, suites, and property shall be determined and assigned by the Building Department in conjunction with the Fire Department.

23. Signs shall require a sign permit, prior to installation. Signs shall meet the requirements of the City Sign Code and shall be architecturally compatible with the buildings. Proposed sign shall not obstruct vehicular visibility at the proposed driveways and Morton Avenue, as determined by the City Engineer.

24. All new public utility services, including electrical, telephone and community television antenna services, shall be placed underground in accordance with City requirements.

25. A City business license is required, for the operation of the proposed facility, prior to final inspection of the building permit.

26. The requirements of the City's performance standards with respect to odor, noise, smoke, vibration and discharge of liquid and solid waste shall be maintained.

27. The noise generated by this use shall not exceed the limits established by the Noise Regulations of the City of Porterville and State of California.

28. Thirty-eight (38) parking spaces are required. The off-street parking area and access shall be paved and striped in accordance with City parking standards.

29. The project shall be developed in accordance with the architectural elevations received for City Council Review, attached hereto and incorporated as Attachments 2 through 5. The materials and color palette shall have a variety of colors and materials consistent with the projects'
overall theme and architecture. The project shall be developed in accordance with approved exterior materials and color. Prior to making any modification of exterior materials and colors, plan and or color samples showing the proposed modifications shall be submitted to the Community Development for approval, and any modifications shall comply with the approved plans and/or color samples.

30. All utilities/maintenance doors shall be painted to match the proposed buildings.

31. The site plan shall incorporate elements that ensure safe pedestrian access from the parking areas to the proposed buildings. Specifically, the site plan shall include defined pedestrian walkways, visible to drivers, from the parking areas to the proposed building(s).

32. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.

33. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element and the Tulare County Congestion Management Program.

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

35. The developer/applicant shall comply with Appendix J, “Grading” of the 2007 California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect.

36. 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.

37. The developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code.

38. The developer/applicant shall construct and/or repair street, alley, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306). That the PO(D) requires a six (6) foot sidewalk.

39. 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.

40. The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit a Parcel Merger or Lot Line Adjustment that will adjust or merge property lines to meet the requirements of all applicable codes.

41. The developer/applicant shall provide streetlights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. Proposed streetlights shall be shown on the plans with spacing not to exceed 160' between streetlights.

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

43. The developer/applicant shall comply with Section 2611 of the Zoning ordinance and Section 20-1.3 of the City of Porterville Municipal Code as it relates to locations of fences along the perimeter of the property and within the public right of way. The developer plans to totally enclose the site with a 6-foot high wall and wrought iron fence. The 6 foot high fence along Morton Avenue shall be located at property line or within private property. A 6-foot block wall is required along the east and southern property line.

44. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

45. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Department, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

46. The developer/applicant is advised that he/she is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all
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.

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

48. 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
a) It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application may be filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.

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

b) ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.

c) The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

d) The District will notify the local agency when a project’s application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.

e) If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.

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

g) The ISR Rules and Program does not place any requirements upon the agency.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.
49. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

Wastewater Discharge Permit Application, Part "A"; and if monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

If monitoring is required, based on the responses to questions in the Wastewater Discharge Permit, then the developer/applicant shall provide monitoring facilities complying with City standards to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

50. 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.

51. 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.

52. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

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

54. 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.

55. The developer/applicant shall remove the existing driveways near the east and west property line and replace with curb, gutter and sidewalk. A new driveway shall be constructed per City Standards near the east property line.

56. The developer/applicant shall have a registered Civil Engineer or Land
Surveyor prepare and submit a Lot Line Adjustment or Parcel Merger, whichever may apply, that will reconfigure property lines to meet the requirements of all applicable codes. The following information is required at the time of submittal:

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

57. The Lot Line Adjustment or Parcel Merger shall be approved prior to the issuance of a building permit.

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

59. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.

60. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance to the on-site water mains.

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

62. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
63. An additional fire hydrant will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site. The required hydrant shall be located in the planter adjacent to parking stall #11 and face east.

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

65. Fire hydrant spacing shall be as follows:
   1. In Commercial development, one hydrant shall be installed at 300-foot intervals;
   2. Or as required by Appendix C California Fire Code.

66. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code. The required fire flow for this project as proposed, a 3850 sq. ft. type V-B building would be 1750 GPM.

67. 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.

68. A Knox box will be required. An override for Fire Department access will be required for the locked gate along with lock box for access to all buildings. An application may be obtained from the Fire Department.

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

70. Compliance with all applicable codes is required.

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

72. Soils compaction test shall be required.

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

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

75. Signs require separate permit.

76. Two Van ADA parking spaces are required (17' X 18').
That there shall be no deferred items.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By

Luisa Herrera, Deputy City Clerk
SUBJECT: COUNCIL MEMBER REQUEST – REVISIT BIKE AND PEDESTRIAN PLAN

SOURCE: Public Works Department - Engineering Division

COMMENT: A City Council Member requested a review of the City’s Bike and Pedestrian Plan to discuss its adequacy and potential for improvements. The attached Bike & Pedestrian plan is the same plan submitted as part of the City’s Measure ‘R’ Bike & Pedestrian program. The “program” anticipates collection of $2,000,000 over the thirty year life of the Measure ‘R’ program.

Councilman Felipe Martinez is a member of the Tulare County Transportation Authority (TCTA) and as such, is aware that the TCTA favors leveraging Measure ‘R’ Bike & Pedestrian funds to secure sufficient funds to design and construct medium to large projects. Councilman Martinez has asked staff to explore funding options to determine how much money can be borrowed using the City’s $67,000 per year “Bike & Pedestrian funding stream to pay the loan.

Staff has performed preliminary estimates and believes the City can realize approximately $1 million by leveraging 25 years worth of Measure ‘R’ Bike & Pedestrian funds. No specific project has been reviewed to any great detail, but generally speaking, approximately 2.5 miles of 8’ wide hard walking surface can be constructed with a million dollars. The distance is obviously reduced if funds are used to pay for right of way, irrigation or install amenities such as benches, fountains, trees, etc.

RECOMMENDATION: Information provided at Council Member’s request.

ATTACHMENT: Bike Plan

P:\Public\Engineering\Council Items\Council Member Requested Agenda Item - Bike and Pedestrian Plan - 2010-03-16.doc
SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Consideration of Creating a City-operated Off-Highway Vehicle (OHV) Sandrail Course

SOURCE: City Manager

COMMENT: Councilman Hamilton has requested that the City Council consider authorizing the review and potential for creating an OHV Sandrail course operated by the City. Similar to a Dune Buggy, a Sandrail is a lightweight off-highway motor vehicle specifically built for traveling across sandy terrain, which use high flotation tires to allow the car to run across the surface of the sand without sinking. It is envisioned that such a course would need to be between five (5) and ten (10) acres in size and include large mounds of sandy material. Potential suggested sites for the course have been either in or near the Tule River, or perhaps at the current site of the City’s gun range once the range is relocated and the site is mitigated of lead.

RECOMMENDATION: That the City Council consider authorizing the review and potential for creating an OHV Sandrail course operated by the City.

ATTACHMENT: None
AGENDA: MARCH 16, 2010

JOINT MEETING OF THE
CITY OF PORTERVILLE CITY COUNCIL
AND
PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: AUTHORIZATION TO CONDUCT A JOINT PUBLIC HEARING OF THE CITY OF PORTERVILLE CITY COUNCIL AND THE PORTERVILLE REDEVELOPMENT AGENCY IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1 AND ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT; AUTHORIZATION TO PROVIDE NOTICE OF THE HEARING; AUTHORIZATION TO TRANSMIT DRAFT AMENDED PLAN TO THE PLANNING COMMISSION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – REDEVELOPMENT AGENCY

COMMENT: The City of Porterville City Council (the "City Council") and the Porterville Redevelopment Agency (the "Agency") have initiated proceedings to amend (the "2010 Amendment") the Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project (the "Project Area") for the purpose of i) adding territory (the "Added Territory") to the Original Project Area, thereby creating the Amended Project Area; ii) reinstating limited Agency eminent domain authority specific to the Original Porterville Redevelopment Project Area adopted on July 10, 1990 (the "Original Project Area"); iii) initiating limited Agency eminent domain authority specific to the Added Territory; and iv) modifying and creating the Plan’s projects and programs list specific to the Original Project Area and the Added Territory, respectively.

In accordance with the California Community Redevelopment Law (CCRL; Health & Safety Code, Section 33000, et seq.), the City Council and the Agency are each required to hold public hearings to take public testimony before considering adoption of the 2010 Amendment and related Environmental Impact Report (EIR). The CCRL provides that the City Council and the Agency may conduct a joint public hearing with the consent of both entities. The attached City Council and Agency resolutions consent to holding a joint public hearing, and authorize the City Clerk, Agency Secretary, staff, and advisors to work jointly to prepare, publish, and mail notice of the joint public hearing in accordance with applicable CCRL requirements.

DD APPROPRIATED/FUNDED JMB CM ITEM NO. PLA-01 1
Additionally, three community workshops have been scheduled to enable all interested parties an opportunity to discuss the 2010 amendment and ensure that all questions are answered. Although not required by the CCRL, notice of the community workshops will be included in the Notice of Joint Public Hearing. In addition to being published in the local newspaper, the Notice of Joint Public Hearing and Community Workshops will be mailed to all residents, property owners, and business tenants located within the Original Project Area and the proposed Added Territory along with a map of the subject areas, a statement regarding the Agency’s owner participation and property acquisition guidelines, and a Community Guide to Redevelopment in Porterville. The letters and all enclosures are attached to this staff report for Council/Agency review.

Transmittal of Draft Amended Plan

In accordance with CCRL Section 33346, prior to the joint public hearing, the proposed amended Plan is to be submitted to the Planning Commission for its report regarding conformity to the General Plan. In Porterville, the City Council acts as Planning Commission.

RECOMMENDATION: That the City of Porterville City Council:

1. Adopt the attached Resolution consenting to a joint public hearing with the Porterville Redevelopment Agency in connection with the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Environmental Impact Report prepared for the Project and directing notification of the same.

RECOMMENDATIONS: That the Porterville Redevelopment Agency:

1. Adopt the attached Resolution consenting to a joint public hearing with the City Council of the City of Porterville in connection with the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Environmental Impact Report prepared for the Project and directing notification of the same.

2. Direct staff to transmit the proposed amended Redevelopment Plan for the Porterville Redevelopment Project No. 1 to the Porterville Planning Commission for its report regarding conformity to the General Plan.

ATTACHMENTS:

1. A Draft Resolution of the City Council of the City of Porterville Consenting to a Joint Public Hearing with the
Porterville Redevelopment Agency in Connection with the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1; the Environmental Impact Report prepared for the Project; and Directing Notification of the Same.

2. A Draft Resolution of the Porterville Redevelopment Agency Consenting to a Joint Public Hearing with the City Council of the City of Porterville in Connection with the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Environmental Impact Report prepared for the Project, and Directing Notification of the Same.

3. Map of the Original Project Area and the proposed Added Territory.

4. Letters to residents, property owners, and business tenants located within the Original Project Area and the proposed Added Territory explaining the 2010 Amendment.

5. Statement Regarding Acquisition that will be included in the letters to property owners in the Original Project Area and the Added Territory, respectively.

6. Notice of joint public hearing and community workshops that will be published in the newspaper and included in the letter to residents, property owners, and business tenants.

RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONSENTING TO A JOINT PUBLIC HEARING WITH THE PORTERVILLE REDEVELOPMENT AGENCY IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1; ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT; AND DIRECTING NOTIFICATION OF THE SAME

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project (the "Project Area") for the purpose of i) adding territory (the "Added Territory") to the Original Project Area, thereby creating the Amended Project Area; ii) reinstating limited Agency eminent domain authority specific to the Original Porterville Redevelopment Project Area adopted on July 10, 1990 (the "Original Project Area"); iii) initiating limited Agency eminent domain authority specific to the Added Territory; and iv) modifying and creating the Plan's projects and programs list specific to the Original Project Area and the Added Territory, respectively; and

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, et seq.), a city council and a redevelopment agency, with the consent of both, may hold a joint public hearing to consider adoption of a redevelopment plan (or, as in this case, the 2010 Amendment); and

WHEREAS, the City Council of the City of Porterville (the "City Council") and the Agency wish to hold a joint public hearing to consider the proposed 2010 Amendment and any related matters including the Environmental Impact Report prepared in connection therewith; and

WHEREAS, notification of said joint public hearing, by first class mail and published notices, is required by CCRL Sections 33349, 33350, 33361, and 33452.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY RESOLVE AS FOLLOWS:

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

Section 2. The City Council hereby consents to a joint public hearing with the Agency for the purpose of considering the proposed 2010 Amendment, Environmental Impact Report, and any other related matters.

Section 3. The City Clerk, staff, and advisors are hereby directed, in cooperation with the Agency secretary, staff and advisors, to prepare, publish, and mail notices and
documents, and do all other acts, as may be required by the CCRL in connection with giving notice of the joint public hearing to be held pursuant to this resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Porterville on the 16th day of March, 2010.

__________________________
Pete V. McCracken
Mayor, City of Porterville

ATTEST:

__________________________
John D. Lollis
City Clerk, City of Porterville
RESOLUTION NO. __________

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY CONSENTING TO A JOINT PUBLIC HEARING WITH THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1; ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT; AND DIRECTING NOTIFICATION OF THE SAME.

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project (the "Project Area") for the purpose of i) adding territory (the "Added Territory") to the Original Project Area, thereby creating the Amended Project Area; ii) reinstating limited Agency eminent domain authority specific to the Original Porterville Redevelopment Project Area adopted on July 10, 1990 (the "Original Project Area"); iii) initiating limited Agency eminent domain authority specific to the Added Territory; and iv) modifying and creating the Plan's projects and programs list specific to the Original Project Area and the Added Territory, respectively; and

WHEREAS, pursuant to the provisions of the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, et seq.), a city council and a redevelopment agency, with the consent of both, may hold a joint public hearing to consider adoption of a redevelopment plan (or, as in this case, the 2010 Amendment); and

WHEREAS, the Agency and the City Council of the City of Porterville (the "City Council") wish to hold a joint public hearing to consider the proposed 2010 Amendment and any related matters including the Environmental Impact Report prepared in connection therewith; and

WHEREAS, notification of said joint public hearing, by first class mail and published notices, is required by CCRL Sections 33349, 33350, 33361, and 33452; and

WHEREAS, the Agency has prepared a draft amended Plan pursuant to the requirements of CCRL Section 33330, et seq.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE PORTERVILLE REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

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

Section 2. The Agency hereby consents to a joint public hearing with the City Council for the purpose of considering the proposed 2010 Amendment, the Environmental Impact Report, and any other related matters.

ATTACHMENT
ITEM NO. 2
Section 3. The City Clerk, staff, and advisors are hereby directed, in cooperation with the Agency secretary, staff and advisors, to prepare, publish, and mail notices and documents, and do all other acts, as may be required by the CCRL in connection with giving notice of the joint public hearing to be held pursuant to this resolution.

PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the 16th day of March, 2010.

__________________________
Pete V. McCracken
Chairman, Porterville Redevelopment Agency

ATTEST:

__________________________
John D. Lollis
Secretary, Porterville Redevelopment Agency
Para más información o una traducción de esta carta, llame al 559-782-7460

April 15, 2010

SUBJECT: Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Related Environmental Impact Report

Dear Residential or Business Tenant in the Original Project Area:

The Porterville City Council and Redevelopment Agency are undertaking proceedings to amend the Original Redevelopment Plan for the Porterville Redevelopment Project that was adopted in 1990. The purpose of the proposed 2010 Amendment is to add territory to the Original Project Area, reinstate the Agency's eminent domain authority in the existing Original Project Area (excluding any property on which any person resides), and modify the Agency's list of projects and programs applicable to the Original Project Area.

Our records indicate that you are a residential or business tenant within the Original Project Area (see attached map). The proposed 2010 Amendment will not directly affect your existing Project Area status. The Agency intends to continue the economic development and housing programs that are currently being implemented in the Project Area and to expand those benefits to tenants and property owners in the Added Territory. A description of the programs, projects and achievements of the past five years is included in the enclosed, "Citizens Guide to Redevelopment in Porterville."

A joint public hearing will be held by the Agency and the City Council regarding the proposed 2010 Amendment and its environmental impact report (EIR) on May 18, 2010 at 7:00 pm in the City Council Chambers at City Hall, 291 Main Street, Porterville. Refer to the enclosed public notice for specifics about the joint public hearing.

Additionally, workshops are scheduled to give all interested persons an opportunity to learn the details about the 2010 Amendment, its EIR, and general redevelopment in Porterville. Each workshop will cover the same material. We encourage you to attend.

INFORMATIONAL COMMUNITY WORKSHOPS

Dates: May 3rd, May 6th, and May 11th, 2010
Time: 7:00 p.m.
Place: City Council Chambers, Porterville City Hall
291 Main Street, Porterville, CA 93257

ATTACHMENT ITEM NO. 4
Included in this public hearing information packet is a copy of the Agency's "Citizen's Guide to Understanding Redevelopment," which provides answers to some of the most frequently asked questions about redevelopment in California, and in Porterville.

If you have questions or comments pertaining to the proposed 2010 Amendment, please call the Agency's office at (559) 782-7460, fax the Agency at (559) 781-6437, e-mail Susan Duke, Project Manager, at sduke@ci.porterville.ca.us, or send your written comments to the Porterville Redevelopment Agency, 291 N. Main Street, Porterville, CA 93257.

Sincerely,

Bradley D. Dunlap, AICP
Executive Director
Porterville Redevelopment Agency

Enclosures

A. Map of the Original Project Area and the proposed Added Territory
B. Notice of Joint Public Hearing
C. Citizen's Guide to Understanding Redevelopment
Para más información o una traducción de esta carta, llame al 559-782-7460

April 15, 2010

SUBJECT: Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Related Environmental Impact Report

Dear Property Owner in the Original Project Area:

The Porterville City Council and Redevelopment Agency are undertaking proceedings to amend the Original Redevelopment Plan for the Porterville Redevelopment Project that was adopted in 1990. The purpose of the proposed 2010 Amendment is to add territory to the Original Project Area, reinstate the Agency’s eminent domain authority in the existing Original Project Area (excluding any property on which any person resides), and modify the Agency’s list of projects and programs applicable to the Original Project Area.

Our records indicate that you are a property owner within the Original Project Area (see attached map). In addition to continuing the economic development and housing programs that are currently being implemented in the Original Project Area and expanding those benefits to tenants and property owners in the Added Territory, the 2010 Amendment will reinstate the property acquisition policy that was effective in the Original Project Area from 1990 to 2002, which prohibits the use of eminent domain to take property on which any person(s) reside.

Enclosed is a “Statement Regarding Acquisition”, which details the Agency’s acquisition policies. In general, the Agency may purchase, lease, obtain option upon or otherwise acquire any interest in real property located in the Original Project Area or the Added Territory, by gift, devise, exchange, purchase, or any other means authorized by law including eminent domain, except that the Agency shall not use eminent domain to acquire property on which any person(s) reside. Agency eminent domain authority will expire twelve years from the date of adoption of the 2010 Amendment.

Workshops have been scheduled to give all interested persons an opportunity to learn the details about the 2010 Amendment, its EIR, and general redevelopment in Porterville. Each workshop will cover the same material. We encourage you to attend.

<table>
<thead>
<tr>
<th>INFORMATIONAL COMMUNITY WORKSHOPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dates:</td>
</tr>
<tr>
<td>Time:</td>
</tr>
<tr>
<td>Place:</td>
</tr>
</tbody>
</table>

291 N. Main St., Porterville, CA 93257 (559) 782-7460 / FAX (559) 781-6437
A joint public hearing will be held by the Agency and the City Council regarding the proposed 2010 Amendment and its environmental impact report (EIR) on May 18, 2010 at 7:00 pm in the City Council Chambers at City Hall, 291 Main Street, Porterville. Refer to the enclosed public notice for specifics about the joint public hearing.

Also enclosed is a copy of the Agency’s “Citizen’s Guide to Understanding Redevelopment”, which provides answers to some of the most frequently asked questions about redevelopment in California, and in Porterville.

If you have questions or comments pertaining to the proposed 2010 Amendment, please call the Agency’s office at (559) 782-7460, fax the Agency at (559) 781-6437, e-mail Susan Duke, Project Manager, at sduke@ci.porterville.ca.us, or send your written comments to the Porterville Redevelopment Agency, 291 N. Main Street, Porterville, CA 93257.

Sincerely,

Bradley D. Dunlap, AICP
Executive Director
Porterville Redevelopment Agency

Enclosures

A. Map of the Original Project Area and the proposed Added Territory
B. Notice of Joint Public Hearing
C. Statement of Acquisition
D. Citizen’s Guide to Understanding Redevelopment
April 15, 2010

SUBJECT: Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Related Environmental Impact Report

Dear Residential or Business Tenant in the Added Territory:

The Porterville City Council and Redevelopment Agency are undertaking proceedings to amend the Original Redevelopment Plan for the Porterville Redevelopment Project that was adopted in 1990. The purpose of the proposed 2010 Amendment is to add territory to the Original Project Area, reinstate the Agency’s eminent domain authority in the existing Original Project Area (excluding any property on which any person resides), and modify the Agency’s list of projects and programs applicable to the Original Project Area.

Our records indicate that you are a residential or business tenant within the area proposed to be added to the Original Project Area (see attached map). As such, you would be eligible to participate in the economic development and housing programs that are currently being implemented in the Original Project Area and proposed for expansion to tenants and property owners in the Added Territory. A description of the programs, projects and achievements of the past five years is included in the enclosed, “Citizens Guide to Redevelopment in Porterville.”

A joint public hearing will be held by the Agency and the City Council regarding the proposed 2010 Amendment and its environmental impact report (EIR) on May 18, 2010 at 7:00 pm in the City Council Chambers at City Hall, 291 Main Street, Porterville. Refer to the enclosed public notice for specifics about the joint public hearing.

Additionally, workshops are scheduled to give all interested persons an opportunity to learn the details about the 2010 Amendment, its EIR, and general redevelopment in Porterville. Each workshop will cover the same material. We encourage you to attend.

_________________________________________________________

INFORMATIONAL COMMUNITY WORKSHOPS

Dates: May 3rd, May 6th, and May 11th, 2010

Time: 7:00 p.m.

Place: City Council Chambers, Porterville City Hall
       291 Main Street, Porterville, CA 93257
Included in this public hearing information packet is a copy of the Agency’s “Citizen’s Guide to Understanding Redevelopment”, which provides answers to some of the most frequently asked questions about redevelopment in California, and in Porterville.

If you have questions or comments pertaining to the proposed 2010 Amendment, please call the Agency’s office at (559) 782-7460, fax the Agency at (559) 781-6437, e-mail Susan Duke, Project Manager, at sduke@ci.porterville.ca.us, or send your written comments to the Porterville Redevelopment Agency, 291 N. Main Street, Porterville, CA 93257.

Sincerely,

Bradley D. Dunlap, AICP
Executive Director
Porterville Redevelopment Agency

Enclosures

A. Map of the Original Project Area and the proposed Added Territory
B. Notice of Joint Public Hearing
C. Citizen’s Guide to Understanding Redevelopment
Para más información o una traducción de esta carta, llame al 559-782-7460

April 15, 2010

SUBJECT: Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Related Environmental Impact Report

Dear Property Owner in the Added Territory:

The Porterville City Council and Redevelopment Agency are undertaking proceedings to amend the Original Redevelopment Plan for the Porterville Redevelopment Project that was adopted in 1990. The purpose of the proposed 2010 Amendment is to add territory to the Original Project Area, reinstate the Agency's eminent domain authority in the existing Original Project Area (excluding any property on which any person resides), and modify the Agency's list of projects and programs applicable to the Original Project Area.

Our records indicate that you are a property owner within the area proposed to be added to the Original Project Area (see attached map). As such, you would be eligible to participate in the economic development and housing programs that are currently being implemented in the Original Project Area and proposed for expansion to tenants and property owners in the Added Territory. The enclosed, "Citizen's Guide to Redevelopment in Porterville" describes the programs and achievements of the past five years in the Original Project Area. Additionally, the 2010 Amendment will initiate the property acquisition policy that is proposed for reinstatement in the Original Project Area, which prohibits the use of eminent domain to take property on which any person(s) reside.

Enclosed is a “Statement Regarding Acquisition” that details the Agency’s acquisition policies. In general, the Agency may purchase, lease, obtain option upon or otherwise acquire any interest in real property located in the Original Project Area or the Added Territory, by gift, devise, exchange, purchase, or any other means authorized by law including eminent domain, except that the Agency shall not use eminent domain to acquire property on which any person(s) reside. Agency eminent domain authority will expire twelve years from the date of adoption of the 2010 Amendment.

Workshops have been scheduled to give all interested persons an opportunity to learn the details about the 2010 Amendment, its EIR, and general redevelopment in Porterville. Each workshop will cover the same material. We encourage you to attend.

______________________________
INFORMATIONAL COMMUNITY WORKSHOPS

Dates: May 3rd, May 6th, and May 11th, 2010

Time: 7:00 p.m.

Place: City Council Chambers, Porterville City Hall
291 Main Street, Porterville, CA 93257
A joint public hearing will be held by the Agency and the City Council regarding the proposed 2010 Amendment and its environmental impact report (EIR) on May 18, 2010 at 7:00 pm in the City Council Chambers at City Hall, 291 Main Street, Porterville. Refer to the enclosed public notice for specifics about the joint public hearing.

Also enclosed is a copy of the Agency's "Citizen's Guide to Understanding Redevelopment", which provides answers to some of the most frequently asked questions about redevelopment in California, and in Porterville.

If you have questions or comments pertaining to the proposed 2010 Amendment, please call the Agency's office at (559) 782-7460, fax the Agency at (559) 781-6437, e-mail Susan Duke, Project Manager, at sduke@ci.porterville.ca.us, or send your written comments to the Porterville Redevelopment Agency, 291 N. Main Street, Porterville, CA 93257.

Sincerely,

Bradley D. Dunlap, AICP
Executive Director
Porterville Redevelopment Agency

Enclosures

A. Map of the Original Project Area and the proposed Added Territory
B. Notice of Joint Public Hearing
C. Statement of Acquisition
D. Citizen's Guide to Understanding Redevelopment
Para más información o una traducción de esta declaración, llame al 559-782-7460

STATEMENT REGARDING ACQUISITION

Dear Property Owner:

As described in the notice included with this mailing, the City of Porterville City Council and the Porterville Redevelopment Agency (the "Agency") are in the process of preparing and considering for approval and adoption an amendment (the "2010 Amendment") to the previously amended Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project (the "Project," or the "Project Area"), for the purposes of i) adding territory (the "Added Territory") to the Project Area, thereby creating the Amended Project Area; ii) reinstating limited Agency eminent domain authority specific to the Project Area adopted on July 10, 1990; iii) initiating limited Agency eminent domain authority specific to the Added Territory; and iv) modifying and creating the Plan’s projects and programs list specific to the Project Area and the Added Territory, respectively.

As part of the redevelopment plan amendment process, the California Community Redevelopment Law (CCRL; Health and Safety Code Section 33000 et seq.) requires that the Agency provide you with this "Statement Regarding Acquisition," because you are a property owner/assessee of real property within the Project Area and/or the Added Territory.

The purpose of this Statement of Acquisition is to advise you that the 2010 Amendment will grant the Agency the authority to acquire real property in the Project Area and the Added Territory although, with respect to such acquisition, the Agency has adopted the following restricted eminent domain policy statement:

"...the Agency shall not use eminent domain to acquire property on which any person(s) resides."

If the 2010 Amendment is adopted, the Agency may purchase, lease, obtain option upon or otherwise acquire any interest in real property located in the Project Area and/or the Added Territory by gift, devise, exchange, purchase, or any other means authorized by law including the use of eminent domain, except as otherwise excluded above. Any eminent domain proceedings undertaken by the Agency must commence within twelve (12) years from the date of adoption of the ordinance approving and adopting the 2010 Amendment.

ATTACHMENT
ITEM NO. 5

291 N. Main St., Porterville, CA 93257 (559) 782-7460 / FAX (559) 781-6437
The Agency's acquisition authority is general and the 2010 Amendment contains no specific list or description of property to be acquired by purchase, or other legal method, because no such specific property is known at this time. Should such acquisition become necessary in the future to carry out a specific project, the Agency would meet all requirements of law, including adherence to its adopted eminent domain program, and notification of affected property owners as to intent.

PORTERVILLE REDEVELOPMENT AGENCY

Bradley D. Dunlap, AICP
Executive Director
NOTICE OF JOINT PUBLIC HEARING OF THE CITY OF PORTERVILLE CITY COUNCIL AND THE PORTERVILLE REDEVELOPMENT AGENCY ON THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1; RELATED FINAL ENVIRONMENTAL IMPACT REPORT; AND RELATED COMMUNITY WORKSHOPS

NOTICE IS HEREBY GIVEN that a joint public hearing will be held by the City Council of the City of Porterville (the "City Council") and the Porterville Redevelopment Agency (the "Agency"). Para más información o una traducción de este aviso, llame al 559-782-7460.

DATE OF HEARING: May 18, 2010
TIME OF HEARING: 7:00 p.m.
PLACE OF HEARING: City Council Chambers, City Hall
291 N. Main Street
Porterville, CA 93257

The purpose of the joint public hearing is to consider approval and adoption of the proposed amendment (the "2010 Amendment") to the previously amended Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project No. 1 (the "Project"). The Agency has initiated the 2010 Amendment for the purposes of adding territory (the "Added Territory") to the area included within the Project (the "Project Area"; collectively the Project Area and the Added Territory are referred to hereinafter as the "Amended Project Area"), and making modifications to the Plan that affect implementation and administration of the Plan and the Project Area, including reinstatement of limited Agency eminent domain authority that prohibits the taking of property on which any person(s) reside.

The 2010 Amendment will provide the Agency with the tools and resources necessary to permit it to continue its efforts to undertake long-term redevelopment activities intended to help upgrade public facilities and infrastructure, promote and facilitate economic development and job growth, and provide additional affordable housing opportunities for qualifying persons/families in the community.

NOTICE IS FURTHER HEREBY GIVEN that the City Council and Agency will, at the same time and place, hold a joint public hearing to consider adoption of the final environmental impact report (EIR) prepared for the 2010 Amendment in accordance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.). All evidence and testimony presented in writing prior to or at the joint public hearing or presented orally at the joint public hearing for or against the certification of the EIR will be considered by the City Council and Agency.

At the day, hour and place of said joint hearing, any and all persons desiring to comment on, or having objections to, the content or adequacy of the 2010 Amendment, the EIR, or the regularity of any of the prior proceedings related to the 2010 Amendment or the EIR, or who deny the existence of blight within the Amended Project Area as evidenced in the Agency's "Report to the City Council" may submit written comments/objections, or may appear at the joint public hearing of the City Council and Agency and show cause why the 2010 Amendment should not be approved.

At any time no later than the conclusion of the joint public hearing of the City Council and Agency, any person or organization may file a written statement with the City Clerk of the City of Porterville of his/her/its objections to the 2010 Amendment adoption proceedings. Any person or organization desiring to be heard will be given an opportunity to be heard at the joint public hearing. At the aforesaid hour, the City Council and the Agency shall proceed to hear all written and oral objections to the 2010 Amendment, and proceed to hear all oral and written objections to the EIR or any related matters. The City Council and Agency will consider all evidence and testimony for and against adoption of the 2010 Amendment and the certification of the EIR.

NOTICE IS FURTHER HEREBY GIVEN to any person or organization who desires to present objections to the 2010 Amendment, or the EIR, or allegations of noncompliance with the California Community Redevelopment Law (CCRL; Health and Safety Code Section 33000 et seq.), CEQA, or other applicable laws that such person or organization may be precluded from raising such issue(s) in a subsequent legal action or proceeding challenging the 2010 Amendment, or the EIR, unless the objections or alleged grounds for noncompliance were presented by the person or organization in writing prior to the joint public hearing, or were presented orally or in writing at the joint public hearing.
A map of the Amended Project Area is included with this Notice. A legal description prepared for the Added Territory, and the legal descriptions prepared for the Original Project Area (recorded in the Official Records of the Tulare County Recorders Office as Document Nos.: 42584 and 2004-0068689 ), are available for public review at the City Clerk’s Office during normal business hours and are incorporated herein by this reference; copies of the legal descriptions are available, upon request, free of charge. The office of the City Clerk is located at 291 N. Main Street, Porterville, CA 93257.

NOTICE IS FURTHER HEREBY GIVEN that copies of the Agency's previously adopted Owners, Businesses, and Tenants Participation and Re-entry Rules germane to the Amended Project Area are available for public inspection at the City Clerk's Office located at 291 N. Main Street, Porterville, CA 93257. If the 2010 Amendment is adopted, such rules will then also govern owner participation and the extension of reasonable preferences to persons engaged in business in the Added Territory to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed in the Plan as proposed to be amended by the 2010 Amendment. Interested persons may also inspect the Plan, as proposed to be amended by the 2010 Amendment, the Draft EIR and related initial study, Agency's Unified Report prepared pursuant to CCRL Sections 3344.5 and 33451.5, and other available information pertaining to the 2010 Amendment at the City Clerk's Office during normal business hours. The Agency's Report to the City Council on the 2010 Amendment, and the EIR will be presented at the joint public hearing and should be available for public review not less than one week prior to the date of the joint public hearing.

The Agency seeks the advice of residents, property and business owners, community organizations and others within the Amended Project Area with regard to policy matters that deal with the planning and provision of residential and community facilities, infrastructure, business retention and expansion, and other policy matters affecting residents, and property and business owners within the Amended Project Area. In order to give all interested persons in the Amended Project Area an opportunity to better understand the proceedings, the Agency has scheduled the following community workshops:

DATES OF WORKSHOPS: May 3rd, May 6th, and May 11th
TIME OF WORKSHOPS: 7:00 p.m.
PLACE OF WORKSHOPS: City Council Chambers, City Hall
                       291 N. Main Street
                       Porterville, CA 93257

Anyone having specific questions may contact the Porterville Redevelopment Agency at (559) 782-7460 or e-mail Susan Duke, Project Manager at sduke@ci.porterville.ca.us.

Published: April 20, April 27, May 4, and May 11, 2010
Porterville Redevelopment Agency

Citizen's Guide to Understanding Redevelopment

Some realistic questions and answers

Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1

March 2010

ATTACHMENT
ITEM NO. 7
PORTERVILLE REDEVELOPMENT AGENCY MEMBERS

Chair .................................................. Mr. Pete V. McCracken
Vice Chair ............................................. Mr. Brian Ward
Member ................................................. Mr. Cameron J. Hamilton
Member ................................................ Mr. Felipe A. Martinez
Member ................................................. Mr. Pedro Martinez

Executive Director ............................... Mr. Bradley D. Dunlap
WHAT IS REDEVELOPMENT ABOUT?

Redevelopment, under the California Community Redevelopment Law (CCRL), is one of the few remaining tools available through which a city can retain funds to help reverse the deteriorating and/or inadequate conditions of its streets, public facilities, housing, and infrastructure. Communities with limited financial resources can use redevelopment as an effective tool to initiate public capital improvement projects, property rehabilitation, and private development and investment that could not be accomplished by other public or private means. Redevelopment has been one of California's most effective economic development tools used to breathe new life into areas that are negatively impacted by a number of physical, environmental, and economic conditions that inhibit new investment by private enterprise. Redevelopment, under the CCRL, is one of the last available processes which has the authority, scope and finances to help provide the necessary stimulus to reverse deteriorating trends and create a positive image for participating communities.

WHAT IS THE PORTERVILLE REDEVELOPMENT AGENCY?

The Porterville Redevelopment Agency (the "Agency") is composed of the City Council members elected by Porterville citizens. However, the Agency is a separate public body, corporate and politic, from the City of Porterville. The Agency was activated by City Council pursuant to CCRL Section 35101.

HAS THE CITY ADOPTED REDEVELOPMENT PLANS BEFORE?

Yes. The City Council, by Ordinance No. 1436, adopted the Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project No. 1 (the "Original Project") in July 1990. Since its adoption, the Plan has been amended once to eliminate the time limit on the establishment of loans, advances, and indebtedness codified in the Plan and to delete approximately 26 acres of land from the Project Area. The Agency is now initiating a second amendment (the "Amendment No. 2," or the "2010 Amendment") to the Plan for the dual purposes of adding territory (the "Added Territory") to the area included within the Project, and to reinstate the Agency's limited eminent domain authority within the Project Area.

HOW IS A PROJECT AREA CHOSEN?

A city council designates a survey area for study. A survey area is an area which is evaluated to determine the existence of deteriorating and/or inadequate conditions, as defined in the CCRL, and general feasibility of redevelopment. A project area is the designated area where redevelopment activities may be undertaken. In Porterville, the proposed Added Territory will expand the boundaries of the existing project area and current redevelopment policies, programs, and projects may be extended to the new territory.

WHAT IS A REDEVELOPMENT PLAN?

In legal terms, the redevelopment plan describes the purposes, goals, and objectives which will help to eliminate existing deteriorated and/or inadequate physical and economic conditions from within a project area. A plan is formulated and an implementation program is selected to achieve the goals and objectives established for the local redevelopment program. The redevelopment plan is adopted by city ordinance after consideration of recommendations of the redevelopment agency and the planning commission. Citizen input from public workshops, city council and agency meetings, and a public hearing is also considered before plan adoption. Those actions undertaken by an agency to achieve the goals and objectives formulated in the redevelopment plan will occur over an extended period of time.

DOES THE PUBLIC HAVE A VOICE IN REDEVELOPMENT?

Yes! A continuing dialogue with the public is crucial to a successful redevelopment program. Without citizen input and support, a redevelopment plan will falter. The redevelopment plan or, as in this case an amendment to an existing plan, is presented at a public workshop(s) and a public hearing giving citizens an opportunity to review and comment on the plan/amendment. All city council, agency and planning commission meetings are open to the public, and public attendance and participation are encouraged. All decisions are made in a public forum.

WHAT DOES IT MEAN TO LIVE OR OWN A BUSINESS IN A PROJECT AREA?

If you live or own a business in a redevelopment project area, you will have an opportunity to participate actively in improving the quality of life in your neighborhood. A community redevelopment program will usually include provisions for the substantial reuse and rehabilitation of existing facilities as well as long-term revitalization of whole existing neighborhoods.

Examples of accomplishments in the Original Project Area in the past five years:

- Heritage Center: assisted in construction of a neighborhood community center;
- Centennial Plaza: facilitated construction of a retail/professional office building;
- Casa Buena Vista: assisted in revitalizing a bankrupt subdivision and making 82 single-family homes affordable to low-income families;
• First Time Homebuyers Program;
• Downtown Revitalization: facilitated re-use of vacant and blighted property;
• Historic St. James Place: facilitated a mixed use development in downtown;
• Sequoia Village at River’s Edge: assisted in construction of a new 64-unit apartment building;
• Funded street improvements in the Project Area;
• Reconstructed several parking lots in downtown.

Examples of projects and programs proposed for the next five years in the Original Project Area:
• Porterville Hotel Project: acquisition and demolition of the hotel to facilitate re-use of the site for commercial development;
• Revitalization of the former J.C. Penney site in downtown;
• Acquisition of land for the construction of new parking lots in downtown;
• Commercial building façade program;
• Street improvements;
• First Time Homebuyers Program; and
• Villa Siena: a 70-unit affordable housing project.

HOW DOES THE REDEVELOPMENT AGENCY PAY FOR ITS ACTIVITIES?

The redevelopment process provides for a change in the distribution of property tax revenues collected on property within a redevelopment project area. An agency will retain a portion of the tax dollars paid as a result of the increase in property values caused by improvements, reassessments, inflation or property sales. A chart illustrating the "tax increment" created by agency improvements is presented in the following table:

[Graph illustrating tax increment]

Under current law, existing taxing agencies will continue to receive all the property taxes allocated to them up to the plan/amendment adoption date (the "base year amount"), plus a percentage of any incremental increases.

HOW DOES THE AGENCY RECEIVE TAX DOLLARS?

When a redevelopment plan is adopted (or in this case amended to also add new area), the current assessed values within the project area are designated as the "base value". This includes the assessed value of all land and improvements within the boundaries of the project area.

The taxes resulting from any increase in assessed value over the base value within the project area, per the standard tax rate, become a primary source of revenue for an agency.

WILL THE 2010 AMENDMENT INCREASE MY TAXES?

No. In accordance with Article XIII of the State of California Constitution, taxes will only increase if there is a change in ownership or if there is new construction on the property. The higher taxes resulting from the sale of property will reflect an increase in property values, not an increase in tax rates. An improved community image and an improved economic base will increase the marketability of property in the area. Property not readily saleable today because of deteriorating conditions should become more marketable.

DOES THE 2010 AMENDMENT OVERRIDE THE PROPOSITION 13 INITIATIVE?

No. The Agency does not have the power to levy taxes. As noted above, tax increases are caused by property improvements or sales. Your individual property taxes or the tax rates will not be affected! The Agency receives its revenues by a redistribution of future property tax increases, as previously described.

WILL THE 2010 AMENDMENT RAISE TAX RATES?

No. The Agency does not set tax rates. Tax rates of taxing agencies such as schools, county, city and other special districts can only be raised by a vote of the people.
HOW WILL THE AGENCY USE ITS RESOURCES IN THE ADDED TERRITORY?

The Agency will use its resources, in part, to develop projects and programs which will facilitate long-term economic development, improvements to infrastructure, production and preservation of affordable housing, and construction of needed community facilities.

High priorities for the Agency in the Added Territory will be the creation of jobs, promotion of business retention and development programs, and increasing affordable housing opportunities. By law, the Agency must use its resources to help eliminate blighting conditions; the money may not be used for general purpose government.

IS THERE AN IMPACT TO OTHER AGENCIES?

Yes. For a specified period of time redevelopment activities will be funded, in large part, with tax increment as previously described above. In the absence of a redevelopment project area, all property tax dollars flow to taxing entities currently providing services to the area. However, a redevelopment agency must provide "pass-through" funds to other taxing agencies such as public school and community college districts, as well as to the county and other districts, based upon a state-mandated, pass-through formula.

HOW ABOUT EMINENT DOMAIN?

The Agency has adopted a property acquisition policy that would become effective upon adoption of the 2010 Amendment. This policy prohibits the Agency from using its eminent domain authority to acquire properties within the Project and the Added Territory on which any person(s) reside. However, the Agency may use its eminent domain authority to acquire properties of other land use types. Whether or not this authority will ever be used is unknown at this time.

This policy is consistent with the provision of Proposition 99 that was approved by the voters in the State of California in 2008. Proposition 99 generally bars state and local governments from using eminent domain to acquire an owner-occupied residence for conveyance to a private person or business entity.

IS THERE A BENEFIT TO OTHER AGENCIES?

Yes. In many cases, a redevelopment agency will accomplish projects in a few years that would otherwise take decades for a city, county or other agencies to finance and implement. Also, taxing agencies and the community at large will benefit from the elimination of deteriorating conditions, the construction of needed public improvements, economic development programs, creation of jobs and new housing opportunities. Finally, after completion of the redevelopment project, the community will have a higher valuation and sales tax base than it would have had without redevelopment.

WILL THE REDEVELOPMENT AGENCY ASSESS PROPERTY OWNERS FOR THESE IMPROVEMENTS?

No. The Agency does not have this power. The Agency, by law, is limited to borrowing against the tax increment it receives. The increment will increase annually through new development, property rehabilitation and property sales. Statewide, redevelopment agencies operate under the premise that there will be adequate tax increment and other funding sources available to repay outstanding debt obligations.

WHO WILL MAINTAIN AGENCY-IMPLEMENTED PUBLIC IMPROVEMENTS?

Maintenance of public facilities will be the responsibility of the City, not the Agency. For example, streets, curbs, gutters and/or sidewalks newly constructed with Agency funding will be maintained by the City. However, the City will be better able to afford maintenance costs because it will not have to pay for constructing these improvements out of its General Fund.

IF I DO NOT LIVE IN THE REDEVELOPMENT PROJECT AREA, WHY SHOULD I CARE ABOUT WHAT HAPPENS THERE?

Just because you do not live or work in a redevelopment project area does not mean that you are immune to the effects of negative conditions existing in the project area. The slow decline of any one area of Porterville affects the entire City. The CCRL was enacted in recognition of the fact that the problems of physical and economic decline cannot always be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment. Redevelopment facilitates formulation of an active public/private partnership created for the purpose of building a stronger community.

WILL THE 2010 AMENDMENT AFFECT RENTERS?

No. Rents will not be directly affected because property taxes will not increase due to the 2010 Amendment. In fact, rents could conceivably be lowered as a result of redevelopment programs designed to increase, improve and preserve the community's supply of affordable housing.

WHAT VALUE IS REDEVELOPMENT TO PORTERVILLE PROPERTY OWNERS?

Redevelopment can eliminate deteriorating conditions and facilitate construction of needed public improvements and the other projects and programs identified in this brochure without additional cost to the property owner. This not only permits a better living environment, but in some cases allows a property owner to fully use and develop property that is currently undevelopable because of existing conditions.
When redevelopment activities are successful, the property values within, as well as around a redevelopment project area, will increase.

**How Long Will the Property Be in Redevelopment?**

The effective life of a new redevelopment plan (or plan amendment to add new area in this case) is 30 years from the date of its adoption by a city council. Other time and fiscal limits are also mandated by the CCRL.
WHERE CAN I FIND OUT MORE ABOUT REDEVELOPMENT?
Legally required documents, including the proposed draft 2010 Amendment, the draft Environmental Impact Report, Owner Participation Rules, the Agency's Unified Report, as well as general information regarding the Added Territory and the 2010 Amendment objectives, are available to the public for review in the Redevelopment Agency offices at City Hall, 291 N. Main Street, Porterville, CA 93257.

**Digest of Key Terms**

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessed Value (A.V.)</td>
<td>The amount used by a county tax assessor to value real property for tax purposes. Assessed value is generally the latest sale value of the property with an inflation multiplier. Assessed value multiplied by the tax rate determines the property tax.</td>
</tr>
<tr>
<td>Base Year Value</td>
<td>The total assessed value of property within a project area in the year in which the redevelopment project is approved.</td>
</tr>
<tr>
<td>Blighted Areas</td>
<td>Areas and/or structures (buildings, streets, storm drain pipes, etc.) of a community which constitute physical and/or economic liabilities which may benefit by redevelopment in the interest of the health, safety, and general welfare of the people of the community.</td>
</tr>
<tr>
<td>California Community Redevelopment Law (CCRL)</td>
<td>Redevelopment Law of the State of California as codified in Health and Safety Code, Division 24, Part 1 (Section 33000 et seq.).</td>
</tr>
<tr>
<td>Eminent Domain</td>
<td>Authority of a redevelopment agency to acquire property for the public purposes set forth in the CCRL. The Agency has adopted a policy prohibiting the acquisition of property by eminent domain on which any persons reside within both the Project and the Added Territory.</td>
</tr>
<tr>
<td>Housing Set-Aside</td>
<td>Requirement that 20 percent of the tax increment be set aside to improve the quantity and/or quality of housing for low- and moderate-income families, unless certain findings can be made.</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Public improvements which support development, including street lighting, street construction, storm drain systems, utility lines, etc.</td>
</tr>
<tr>
<td>Market Value</td>
<td>What an owner could reasonably expect to receive if he/she were to sell the property on the open market.</td>
</tr>
<tr>
<td>Project Area</td>
<td>The area which is designated in a redevelopment plan for redevelopment activities to take place.</td>
</tr>
<tr>
<td>Property Tax</td>
<td>The amount a property owner pays to taxing agencies. The tax is calculated by multiplying the assessed value of the property by the tax rate.</td>
</tr>
<tr>
<td>Redevelopment</td>
<td>Planning, development, re-planning, re-use, redesign, clearance, reconstruction, or rehabilitation of all or part of a project area.</td>
</tr>
<tr>
<td>Redevelopment Agency</td>
<td>Public body created to, among other things, designate redevelopment areas, supervise, and coordinate planning for a project area and implement a redevelopment program.</td>
</tr>
<tr>
<td>Redevelopment Plan</td>
<td>A legal document that outlines a process and a basic framework within which specific redevelopment projects and/or programs will be undertaken by the redevelopment agency over the period of time a plan is effective.</td>
</tr>
<tr>
<td>Survey Area</td>
<td>That area found by the City Council to qualify for redevelopment study purposes. Redevelopment project areas must be formed from within a redevelopment survey area.</td>
</tr>
<tr>
<td>Tax Allocation Bond</td>
<td>A bond or financial obligation issued by the redevelopment agency in order to generate revenues to implement the redevelopment plan. The bond is repaid with tax increments allocated to the redevelopment agency.</td>
</tr>
<tr>
<td>Tax Increment Financing</td>
<td>The increase in tax revenue over the revenue received from a base year value.</td>
</tr>
<tr>
<td>Tax Increment</td>
<td>Method of financing redevelopment through redirecting incremental tax revenues from other taxing agencies to the redevelopment agency for a specified time period.</td>
</tr>
</tbody>
</table>
**Digest of Key Terms**

| Taxing Agency | Any city, county, school district, or special district which assesses real property taxes from property, including those located within a redevelopment project area, to raise revenues. |

**California Redevelopment Summary**

<table>
<thead>
<tr>
<th>PROGRAM FUNCTION</th>
<th>CALIFORNIA COMMUNITY REDEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Funding</strong></td>
<td>Primarily from tax increments which are used to directly fund projects/programs or to repay tax allocation bonds levied to pay for projects/programs. Local funds will be used for local programs. <strong>THERE IS NO TAX RATE INCREASE.</strong></td>
</tr>
<tr>
<td><strong>Organization and Control</strong></td>
<td>Local control and administration. The Agency consists of the same people elected to the Porterville City Council.</td>
</tr>
<tr>
<td><strong>Orientation and Activities</strong></td>
<td>Economic enhancement; neighborhood preservation, restoration and rehabilitation. Stimulus to new business development. Improved social and community services. Project area approach to planning and implementation.</td>
</tr>
<tr>
<td><strong>Purpose</strong></td>
<td>To prevent and eliminate deteriorating and/or inadequate conditions and remedy such conditions.</td>
</tr>
<tr>
<td><strong>Summary</strong></td>
<td>Decision, action and responsibility at the local level.</td>
</tr>
</tbody>
</table>
Prepared for

Porterville Redevelopment Agency
SUBJECT: A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY ADOPTING OWNER PARTICIPATION AND RE-ENTRY RULES AND THE RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION GUIDELINES IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: The City Council of the City of Porterville and the Porterville Redevelopment Agency have initiated an amendment (the proposed "2010 Amendment") to the Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project Area No. 1 (the "Project") for the purposes of adding territory (the "Added Territory") to the area within the Project (the "Project Area"), reinstating the Agency’s limited authority to acquire property in the Project Area through the use of eminent domain, and making modifications as appropriate and necessary to the Plan’s projects and programs list specific to the Project Area.

Participation Rules
In accordance with Sections 33339, 33339.5 and 33345 of the California Community Redevelopment Law, Health and Safety Code Section 33000, et seq. ("CCRL"), a redevelopment agency is required to provide for opportunities for participation in the redevelopment of property in the project area (i.e., the Added Territory) by the owners of all or part of such property located in a project area, if the owners agree to participate in redevelopment in conformity with the redevelopment plan (as amended by the 2010 Amendment), and to adopt and make available for public inspection within a reasonable time before approving a redevelopment plan (the 2010 Amendment), rules to implement the operation of owner participation in connection with the adoption of the plan (the 2010 Amendment). In addition, pursuant to CCRL Section 33339.5, a redevelopment agency is required to adopt, and make available for public inspection within a reasonable time before approving a redevelopment plan (the 2010 Amendment), rules which provide for extending reasonable preference to persons who are engaged in business in a project area (i.e., the Added Territory) to re-enter in business within the redevelopment area, if they otherwise meet the requirements prescribed by the adopted redevelopment plan (as amended by the 2010 Amendment).
On June 28, 1990, the Porterville Redevelopment Agency (the "Agency"), by Resolution No. PRA 7-90, approved and adopted certain Rules Governing Participation and Re-Entry Preferences for Property Owners and Business Occupants in the Porterville Redevelopment Project No. 1 ("Participation Rules"), which are on file in the office of the City Clerk and available for public inspection. By approving the attached resolution, the Agency will be adopting, and thereby putting into effect, the Participation Rules for application within the Added Territory.

Relocation Guidelines
CCRL Sections 33411 and 33352(f) require a redevelopment agency to prepare a method or plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities within a redevelopment project area (i.e., the Added Territory) and non-profit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes within a redevelopment project area. The California Relocation Assistance Law ("CRAL"; Government Code, Section 7260 et seq.), and the implementing regulations thereto as set forth in Title 25, California Code of Regulations, Section 6000 et seq. promulgated by the California Department of Housing and Community Development (HCD), provide the statutory and regulatory requirements, procedures, and general direction for Agency relocation obligations, if displacement were to occur within the Added Territory, during implementation of the Plan (together, the pertinent relocation provisions of the CCRL, CRAL, and the Guidelines are referred to as the "Relocation Guidelines").

Each project that may involve potential displacement within the Added Territory will be reviewed on a case-by-case basis in accordance with applicable Relocation Guidelines, including implementation of projects or programs that may require preparation of a case specific relocation plan. Pursuant to the Relocation Guidelines, case specific relocation plans generally contain, among other things, detailed information relating to the site to be acquired or redeveloped, the residents and businesses to be relocated for the project, and the resources and benefits to be made available to any displaced resident or business.

As with the Participation Rules discussed above, by adopting the Resolution included herewith, the Relocation Guidelines previously adopted by the Agency and all subsequent amendments made thereto by the State of California and HCD, will be adopted and take effect as the Relocation Guidelines applicable to the Added Territory.

RECOMMENDATION: That the Porterville Redevelopment Agency:

1. Adopt the attached Resolution and, thereby, put into effect for the proposed Added Territory to the Porterville Redevelopment Project No. 1, the existing Participation Rules and Relocation Guidelines for the Project.
ATTACHMENTS:

1. A Draft Resolution adopting Rules Governing Participation and Re-Entry Preferences for Property Owners and Business Occupants and Relocation Assistance and Real Property Acquisition Guidelines in connection with the proposed 2010 Amendment to the Redevelopment Plan for Porterville Redevelopment Project No. 1.

2. The Agency's existing Rules Governing Participation and Re-Entry Preferences for Property Owners and Business Occupants approved and adopted pursuant to Resolution No. PRA 7-90 that are being adopted for the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1.
RESOLUTION NO. ___

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY ADOPTING RULES GOVERNING PARTICIPATION AND RE-ENTRY PREFERENCES FOR PROPERTY OWNERS AND BUSINESS OCCUPANTS AND RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION GUIDELINES IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

WHEREAS, on July 10, 1990, the City of Porterville City Council (the "City Council"), by Ordinance No. 1436, adopted the Redevelopment Plan (the "Plan") for the Porterville Redevelopment Project No. 1 (the "Original Project") pursuant to the California Community Redevelopment Law, Health and Safety Code Section 33000, et seq. ("CCRL"); and

WHEREAS, on June 28, 1990, the Porterville Redevelopment Agency (the "Agency"), by Resolution No. PRA 7-90, approved and adopted certain Rules Governing Participation and Re-Entry Preferences for Property Owners and Business Occupants in the Porterville Redevelopment Project No. 1 ("Participation Rules"), which are on file in the office of the City Clerk and available for public inspection and are incorporated herein by this reference; and

WHEREAS, on July 6, 2004, the Agency adopted "Amendment No. 1" to the Plan by Ordinance No. 1655, to eliminate the time limit for the Agency to establish long-term loans, advances, and indebtedness to be repaid from tax increment, as provided for in SB 211; and

WHEREAS, the Agency and the City Council desire to further amend the Plan (the proposed "2010 Amendment"), for the purposes of: i) adding territory to the area included within the Project (the "Added Territory"); ii) reinstating limited eminent domain authority that prohibits the taking of property on which any person(s) reside; and iii) modifying the Agency’s list of proposed projects and programs codified in the Plan, as appropriate; and

WHEREAS, CCRL Section 33345 provides that a redevelopment agency shall adopt and make available for public inspection, within a reasonable time before approving a redevelopment plan (i.e., the 2010 Amendment) rules to implement the operation of owner participation in connection with the adoption of the redevelopment plan (i.e., the 2010 Amendment); and

WHEREAS, CCRL Section 33339.5 provides that a redevelopment agency shall adopt and make available for public inspection, within a reasonable time before approving a redevelopment plan (i.e., the 2010 Amendment), rules regarding the extension of reasonable preferences to persons who are engaged in business in a redevelopment project area (i.e., the Added Territory) to re-enter in business within the redeveloped area, if they otherwise meet the requirements prescribed by the adopted redevelopment plan (i.e., the 2010 Amendment); and

WHEREAS, pursuant to CCRL Sections 33345, 33339, and 33339.5, the Agency desires to adopt the Participation Rules now applicable to the Project for application within the Added Territory; and

ATTACHMENT
ITEM NO. 1
WHEREAS, CCRL Sections 33411 and 33352(f) require that a redevelopment agency prepare a method or plan for the relocation of families and persons who may be temporarily or permanently displaced from housing facilities within a redevelopment project area (i.e., the Added Territory) and non-profit local community institutions to be temporarily or permanently displaced from facilities actually used for institutional purposes within a redevelopment project area; and the Agency is required to adhere to the California Relocation Assistance Law ("CRAL", Government Code Section 7260 et seq.) and the implementing regulations thereto, the California Relocation Assistance and Real Property Acquisition Guidelines (the "State Guidelines"), as established in Title 25, Section 6000 et seq. of the California Code of Regulations; and

WHEREAS, the Agency previously adopted Relocation Assistance/Real Property Acquisition Guidelines (the "Relocation Guidelines"), which Relocation Guidelines incorporate the State Guidelines; and

WHEREAS, the Agency’s adopted Relocation Guidelines include provisions for updating and revision in conformity and concurrent with any and all amendments to the CRAL and the official State Guidelines, and the Relocation Guidelines have been deemed automatically amended to conform with such changes to the CRAL and the State Guidelines; and

WHEREAS, a copy of the Relocation Guidelines is on file in the office of the City Clerk and is available for public inspection; and

WHEREAS, pursuant to CCRL Sections 33411 and 33352(f), the Agency desires to adopt and incorporate as an aspect of the 2010 Amendment a feasible method or plan for relocation applicable to the Added Territory.

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. In connection with the 2010 Amendment, and for application within the Added Territory, the Agency hereby adopts the Participation Rules previously adopted for the Original Project as the rules to implement CCRL Sections 33339, 33339.5, and 33345 within the Added Territory. The Participation Rules shall govern owner participation and the extension of reasonable preferences to persons engaged in business in the Added Territory to re-enter into business within the Project if they otherwise meet the requirements prescribed in the Plan, as amended by the 2010 Amendment.

Section 3. The Executive Director of the Agency is hereby authorized and directed to make the Participation Rules available at the offices of the Agency for inspection by all interested persons and to publish a notice of the availability thereof in the newspaper of record.

Section 4. As the method and plan for relocation with respect to the Added Territory, the Agency hereby adopts, and incorporates herein by reference, the Relocation Guidelines previously adopted for the Original Project, for use within the Added Territory.
PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the 16th day of March, 2010.

Brian Ward,
Vice Chairman, Porterville Redevelopment Agency

ATTEST:

John D. Lollis
Secretary, Porterville Redevelopment Agency
RULES GOVERNING PARTICIPATION AND REENTRY PREFERENCES
FOR PROPERTY OWNERS AND BUSINESS OCCUPANTS
IN THE
PORTERVILLE REDEVELOPMENT
PROJECT NO. 1

Adopted by:
Porterville Redevelopment Agency

Date: June 28, 1990
Resolution No.: PRA 7-90

ATTACHMENT
ITEM NO. 2
TABLE OF CONTENTS

I. [Section 100] PURPOSE AND INTENT .............................................. 2

II. [Section 200] DEFINITIONS ......................................................... 2

III. [Section 300] OPPORTUNITIES FOR OWNER PARTICIPATION AND PREFERENCES TO BUSINESS OCCUPANTS TO REENTER IN BUSINESS WITHIN REDEVELOPED AREA ......................................... 3
   A. [Section 301] Opportunities for Owner Participation ...................... 3
   B. [Section 302] Preferences for Persons Engaged in Business in the Project Area ........................................................................... 3

IV. [Section 400] METHODS OF PARTICIPATION AND LIMITATIONS THEREON ................................................................. 3
   A. [Section 401] Methods of Participation ........................................... 3
   B. [Section 402] Limitations on Participation Opportunities ................. 4
   C. [Section 403] Establishing Preferences Among Owners ................... 4

V. [Section 500] METHODS FOR EXTENDING REENTRY PREFERENCES TO BUSINESS OCCUPANTS AND LIMITATIONS THEREON .................................................. 5
   A. [Section 501] Methods for Extending Reentry Preferences ............... 5
   B. [Section 502] Limitations on the Extension Preferences ................. 5
   C. [Section 503] Establishing Preferences Between Business Occupants Seeking Similar Preferences ............................................... 6

VI. [Section 600] CONFORMING OWNERS ............................................ 6

VII. [Section 700] PARTICIPATION PROCEDURES .................................. 7
   A. [Section 701] Notice and Statement of Interest ............................. 7
   B. [Section 702] Participation Agreements ....................................... 7
     1. [Section 703] General ......................................................... 7
     2. [Section 704] Contents ....................................................... 8

VIII. [Section 800] ENFORCEMENT ....................................................... 8

IX. [Section 900] AMENDMENT OF RULES .......................................... 8

"Statement of Interest in Participating" Form ................................. Exhibit "A"
RULES GOVERNING PARTICIPATION AND REENTRY PREFERENCES BY PROPERTY OWNERS AND BUSINESS OCCUPANTS IN THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

I. [Section 100] PURPOSE AND INTENT

These Rules are adopted to implement the provision of the Redevelopment Plan for the Porterville Redevelopment Project No. 1 regarding participation and the exercise of preferences by property owners and business occupants within the Project Area. These Rules set forth the procedures governing such preferences and participation.

The California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.) requires the adoption of these Rules by the Porterville Redevelopment Agency to provide for participation in the redevelopment of the Project Area by owners of real property and the extension of preferences to persons engaged in business within the boundaries of the Project Area to reenter the redeveloped area to the maximum extent feasible consistent with the objectives of the Redevelopment Plan for the Project.

Although the Agency encourages participation in the redevelopment of the Project Area by as many interested property owners as possible, a property owner's decision to participate in the Project is voluntary. These Rules do not require property owners to participate in the redevelopment activities. If a property owner does elect to participate, however, the property owner must comply as a Participant with these Rules.

II. [Section 200] DEFINITIONS

As used herein, the following definitions apply:

(1) "Agency" means the Porterville Redevelopment Agency.

(2) "Business Occupant" means any person, persons, corporation, association, partnership or other entity engaged in a lawful business within the Project Area for so long as such Business Occupant remains in business within the Project Area.

(3) "Long Term Lease" means a recorded lease of real property with a term of 20 years or more, with at least 10 years remaining on such term.

(4) "Owner" means any person, persons, corporation, association, partnership, or other entity holding recorded fee title to or a long term lease of real property in the Project Area for so long as such Owner holds such title or long term lease.

(5) "Participant" means an Owner who has entered into a Participation Agreement with the Agency.
(6) "Participation Agreement" means an agreement entered into by an Owner with the Agency providing for such Owner to participate in the redevelopment of property within the Project Area in accordance with the provisions of the Redevelopment Plan and these rules.

(7) "Project" means the Porterville Redevelopment Project No. 1 as adopted and as may hereafter be amended.

(8) "Project Area" means the project area described in Section 300 of the Redevelopment Plan and shown on Exhibit "A", Redevelopment Plan Map, attached thereto.

(9) "Redevelopment Plan" means the Redevelopment Plan for the Porterville Redevelopment Project, as adopted by the City Council of the City of Porterville.

(10) "Statement of Interest" or "Statement of Interest in Participating" means Exhibit "A" hereto which is incorporated herein by reference.

III. [Section 300] OPPORTUNITIES FOR OWNER PARTICIPATION AND PREFERENCES TO BUSINESS OCCUPANTS TO REENTER IN BUSINESS WITHIN REDEVELOPED AREA

A. [Section 301] Opportunities for Owner Participation

Owners of real property within the Project Area shall be extended reasonable opportunities to participate in the redevelopment of property in the Project Area if such Owners agree to participate in the redevelopment in conformity with the Redevelopment Plan and these Rules.

B. [Section 302] Preferences for Persons Engaged in Business in the Project Area

Business Occupants engaged in business in the Project Area shall be extended reasonable preferences to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the Redevelopment Plan and these Rules.

IV. [Section 400] METHODS OF PARTICIPATION AND LIMITATIONS THEREON

A. [Section 401] Methods of Participation

Participation methods include remaining in substantially the same location either by retaining all or portions of the property, or by retaining all or portions of the property and purchasing adjacent property from the Agency or joining with another person or entity for the rehabilitation or development of the Owner's property and, if appropriate, other property, or submitting to the Agency for its consideration another method of participation pursuant to these Rules. An Owner who participates in the same location may be required to rehabilitate or demolish all or part of his/her existing buildings, or the Agency may acquire the buildings only and then remove or demolish the buildings. Participation methods also include the Agency buying land and improvements at fair market value from Owners and offering other...
parcels for purchase and rehabilitation or development by such Owners, or offering an opportunity for such Owners to rehabilitate or develop property jointly with other persons or entities.

B. [Section 402] Limitations on Participation Opportunities

Owner participation opportunities shall be subject to and limited by such factors as hereafter listed and the following minimum requirements:

1) The Owner Participant(s) can demonstrate to the reasonable satisfaction of the Agency that he is financially capable and has the qualifications and/or experience to perform any and all development, modification, rehabilitation, modernization, construction, land assembly and/or acquisition of the subject property or properties in order that it will conform to the Redevelopment Plan, any applicable Specific Plan or Design Guidelines and the redevelopment proposal, if any, contemplated by the Agency with respect to the subject property.

2) The Owner Participant's proposed improvements and/or redevelopment conform or will conform to: the goals and objectives established by the Agency; the Redevelopment Plan; any applicable Specific Plan or Design Guidelines; any applicable zoning building and safety laws and regulations, and/or the redevelopment proposal approved by the Agency.

3) The Agency retains its authority to determine, in its sole and reasonable discretion, whether the proposed Owner Participant(s) development conforms to and furthers the goals and objectives of the Redevelopment Plan and any specific redevelopment proposals on the basis of all the facts and circumstances pertaining to the proposed owner participant development.

4) The Agency shall consider whether the proposed Owner Participant development necessitates that the Owner Participant and/or the Agency shall remove, relocate and/or install public utilities and public facilities determined necessary by the Agency for the proposed development.

5) Consideration of the elimination and/or change of land uses, particularly nonconforming land uses, as specified in City codes.

6) The Agency shall consider the need to realign, abandon, vacate, widen or open public rights-of-way under the indirect effects of such acts.

7) Consideration of any reduction in the total number of individual parcels in the Project Area.

8) Consideration of whether the proposal involves land assembly and development of areas for public and/or private development in accordance with the Redevelopment Plan.

C. [Section 403] Establishing Preferences Among Owners

If conflicts develop between the desires of Participants for particular sites or land uses, the Agency is authorized to exercise its reasonable
discretion and establish reasonable priorities and preferences among the Owner, Participants and to determine a solution by consideration of objective facts concerning the proposals including, for example, development experience and qualifications, financial ability to perform, length of time in the area, accommodation of as many potential Participants as possible, and conformity with intent and purpose of the Redevelopment Plan. Participation, to the extent feasible, may be available for two or more persons, firms or institutions, to join together in partnerships, corporations, or other joint entities. To the extent multiple Owners are included within a proposed development site, an Owner with a majority interest in the total proposed development site may be determined by the Agency to have a preference over an Owner with a minority interest in the proposed development site.

V. [Section 500] METHODS FOR EXTENDING REENTRY PREFERENCES TO BUSINESS OCCUPANTS AND LIMITATIONS THEREON

A. [Section 501] Methods for Extending Reentry Preferences

Whenever a Business Occupant will be displaced by Agency action from the Project Area, the Agency will, prior to such displacement, determine: 1) whether such Business Occupant desires to relocate directly to another location within the Project Area, or 2) if suitable relocation accommodations within the Project Area are not available prior to displacement, whether such Business Occupant would desire to reenter in business within the Project Area at a later date should suitable accommodations become available. For those Business Occupants who desire to relocate directly to another location within the Project Area, the Agency will make reasonable efforts to assist such Business Occupants to find accommodations suitable to their needs. A record of the Business Occupants who cannot be or do not want to be directly relocated within the proposed development site, but who have stated that they desire to reenter into business in the Project Area, will be maintained by the Agency. The Agency will make reasonable efforts to assist such Business Occupants to find reentry accommodations suitable to their needs.

In order to implement the operation of this Section 501, the Agency will provide in all Participation Agreements, disposition and development agreements and other agreements, as applicable, that in the renting or leasing of premises rehabilitated or developed pursuant to such agreements the Participant or developer will give reasonable preferences (over other potential tenants or lessees) to Business Occupants who will be or who have been displaced from their places of business by the Agency to lease or rent premises within the newly rehabilitated or developed facilities.

B. [Section 502] Limitations on the Extension of Preferences

The following are the minimum requirements that must be met by any business to establish its eligibility for the reasonable preference to reenter in business in the Project Area after displacement:
a. The business use proposed shall be consistent with the land use standards of the Redevelopment Plan for the Project Area and any specific plans and development standards and criteria adopted by the Agency.

b. The improvements on the business premises made or proposed to be made shall (unless otherwise approved by the Agency) meet, or shall be brought up to meet, a structural condition equal to or better than that required for a new structure or improvement of equivalent size, location, use and occupancy as required by the building and safety laws and regulations then applicable in the City, and shall conform to the Redevelopment Plan for the Project Area.

c. The business operator shall demonstrate, to the satisfaction of the Agency, that he is financially capable and qualified to perform any and all modifications or rehabilitation or modernization on the property at the new location in order for it to conform to the Redevelopment Plan and is capable of meeting the financial requirements to occupy space in the new location.

d. The business shall agree in writing that in the use, occupancy and conduct of business on the premises there shall be no discrimination because of race, sex, marital status, color, creed, religion, national origin or ancestry.

C. [Section 503] Establishing Preferences Between Business Occupants Seeking Similar Preferences

If conflicts develop between the desires of Participants for particular sites or land uses, the Agency is authorized to exercise its reasonable discretion and establish reasonable priorities and preferences among the Business Occupants and to determine a solution by consideration of objective facts concerning the proposals including for example, appropriateness of the type of business within the proposed premises and/or the proposed location; the feasibility of business success, financial ability to perform, length of time in the area, accommodation of as many potential Business Occupants as possible, and conformity with intent and purpose of these Rules and the Redevelopment Plan. Participation, to the extent feasible, may be available for two or more persons, firms or institutions, to join together in partnerships, corporations or other joint entities.

VI. [Section 600] CONFORMING OWNERS

The Agency may, at its sole and absolute discretion, determine that certain real properties within the Project Area meet the requirements of the Redevelopment Plan, and the Owners of such properties may be permitted to remain as Owners of conforming properties without a Participation Agreement with the Agency, provided such Owners continue to operate, use and maintain the real properties within the requirements of the Redevelopment Plan. A certificate of conformance to this effect may be issued by the Agency and recorded. An Owner of a conforming property may be required by the Agency to enter into a Participation Agreement with the Agency in the event that such Owner desires to (1) construct any additional improvements or substantially
alter or modify existing structures on any of the additional property within the Project Area. Conformance with any specific plan, design guidelines or other local codes and ordinances or the approval by the Agency of a modernization or change of use does not confer a right to a certificate of conformance. In the event that the Redevelopment Plan is amended after a duly noticed public hearing to change the requirements for the property, such otherwise conforming Owners may be required to enter into a Participation Agreement with the Agency.

VII. [Section 700] PARTICIPATION PROCEDURES

A. [Section 701] Notice and Statement of Interest

Before entering into any Participation Agreements or disposition and development agreements relating to the acquisition, development or rehabilitation of real property in the Project Area, the Agency shall first comply with these Rules relating to soliciting interest in owner participation from Owners of property which may be acquired, developed or rehabilitated and call upon them to submit Statements of Interest in Participating in the proposed development or in otherwise participating in the redevelopment of the Project Area.

Those desiring to submit Statements of Interest in Participating must complete and submit such statements to the Agency within forty-five (45) days of receipt. Such statements shall include information requested by Agency and shall be in the form requested by the Agency.

Any Owner may also submit such a statement at any time before such notification.

The Agency shall consider such statements as are submitted on time and shall seek to develop reasonable participation for those submitting such statements whether to stay in place or to move to another location. The Agency may, in its sole discretion, determine that a participation proposal is not feasible or in the best interest of the Project or the community, or is otherwise limited by one or more of the criteria set forth in Section 402 hereof. In such event, the Agency may select a developer from among prospective participants submitting Statements of Interest in Participating and others invited to submit proposals. The Agency retains and shall exercise the discretion vested in it by law to consider and determine whether the proposal or proposals for redevelopment submitted by an Owner or Owners for participation in the Project Area conforms to the Redevelopment Plan and meets the goals and objectives of the Agency. The Agency shall exercise said discretion reasonably, in good faith and without discrimination.

B. [Section 702] Participation Agreements

1. [Section 703] General

Public and private Owners wishing to develop or improve their properties within the Project Area may be required, as a condition to Agency approval of such development, to enter into a binding written Participation

06/23/90
0326u/2643/001 -7-
Agreement with the Agency if the Agency determines it is necessary to impose upon such property any of the standards, restrictions and controls of the Redevelopment Plan, or any design guidelines adopted by the Agency pursuant to the Redevelopment Plan.

2. [Section 704] Contents

A Participation Agreement shall obligate the Owner, and the Owner's heirs, successors and assigns, to acquire, rehabilitate, develop and use the property, as may be applicable, in conformance with the Redevelopment Plan and/or to be subject to such other provisions and conditions of the Redevelopment Plan as the Agency may require for the period of time that the Redevelopment Plan is in force and effect, excepting those provisions related to nondiscrimination and nonsegregation which shall run in perpetuity.

Each Participation Agreement will contain such terms and conditions and will require the potential Participant to join in the recordation of such documents as the Agency may require in order to insure the property will be acquired, rehabilitated, developed and used in accord with the Redevelopment Plan and the Participation Agreement. Participation Agreements will be effective only if approved by a majority vote of the members of the Agency.

VIII. [Section 800] ENFORCEMENT

In the event a property is not acquired, developed, rehabilitated or used in conformance with the Redevelopment Plan with an Agency determination of conformance or a Participation Agreement, then the Agency is authorized to (1) purchase the property, (2) purchase any interest in the property sufficient to obtain conformance, or (3) take any other appropriate action sufficient to obtain such conformance.

The Agency shall not acquire by eminent domain real property retained or developed under an approved Participation Agreement if the Participant fully performs under the Agreement. The Agency shall not acquire by eminent domain 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 adoption of the Redevelopment Plan.

IX. [Section 900] AMENDMENT OF RULES

The Agency may amend these Rules at any regular meeting or duly called special meeting held after their adoption, but only after notice to the Agency members and the public. The text of the proposed change shall be made available, and notice of said meeting shall be published in a newspaper of general circulation within the County of Tulare. Such notice shall be published at least fourteen (14) days before the date of the meeting at which the proposed amendment will be considered. The method of notice is at the discretion of the Agency.

No such amendment shall retroactively impair the rights of any parties who have executed Participation Agreements with the Agency in reliance upon these Rules as presently constituted.
EXHIBIT "A"

PORTERVILLE REDEVELOPMENT AGENCY
STATEMENT OF INTEREST IN PARTICIPATING
IN THE
PORTERVILLE REDEVELOPMENT PROJECT NO. 1

I hereby express my interest in participating in the Porterville Redevelopment Project No. 1 and submit the following information:

1. Name: ___________________________ Daytime Telephone: ___________________________

2. Home Address: ___________________________

3. My present involvement in the Project Area is: (check a or b)
   a) ___ I now own property in the Project:
   b) ___ I now lease property in the Project:

   Explain: (use additional sheets if necessary) ___________________________

4. Address of Business: ___________________________

5. Name of Business(es) located on my property, if any: ___________________________

6. I ___ own ___ do not own business(es) located on my property (check one)

7. If you do not own the business(es) located on your property, please list the name(s), address(s) and telephone number(s) of the owner(s) on a separate sheet.

8. If I participate: (check a, b or c)
   a) ___ I would like to continue at the same location
      ___ and rehabilitate or rebuild on my present property
   b) ___ I would like to change my present location
   c) ___ I would like to acquire real property for expansion (indicate approximate requirements; use additional sheets if necessary)

REMARKS: (use additional sheets if necessary) ___________________________

_________________________

06/23/90
0326u/2643/001
I understand that submission of this Statement of Interest in Participating does not in any way obligate me to participate in the Porterville Redevelopment Project No. 1. My decision to participate, or not, is solely voluntary.

Signed _______________________________ Date ______

06/23/90
0326u/2643/001
COUNCIL AGENDA: March 16, 2010

SUBJECT: COUNCILMEMBER REQUESTED AGENDA ITEM – Resignation of Councilman Pedro “Pete” Martinez from the City Council

SOURCE: City Manager

COMMENT: Councilman Pedro “Pete” Martinez has indicated his interest to resign his position on the City Council due to his relocation soon out of City limits (an official letter of resignation is to be presented at the Council meeting). Councilman Martinez has dutifully served on the City Council for the past seven years, having been first elected in March 2003, re-elected in June 2008, and having twice served as Mayor (March 2004 - May 2005 and January 2006 – June 2006).

RECOMMENDATION: That the City Council accept the letter of resignation of Councilman Pedro “Pete” Martinez from the City Council.

ATTACHMENT: None
SUBJECT: CONSIDERATION OF APPOINTMENT TO FILL COUNCIL MEMBER VACANCY

SOURCE: City Manager

COMMENT: Given the resignation of Councilman Pedro “Pete” Martinez from his legislative office on the City Council, pursuant to the City Charter, the vacancy must be filled by an appointment of the Council. Should the Council not make an appointment for any reason within thirty (30) days of the vacancy, then the vacancy shall be filled by an appointment of the Mayor. The appointee to the vacancy shall hold the Council office until the next general municipal election.

Given the resignation of Councilman Martinez is to be effective Tuesday, March 16th, the Council will have until Thursday, April 15th to make an appointment. Should the Council not make an appointment by April 15th, the Mayor would then be responsible for making the appointment.

The City Clerk’s Office has conferred with the County of Tulare Elections Office regarding the possibility of including the vacant office in the upcoming general municipal election on June 8, 2010. However, the vacancy is not able to be included in the upcoming general election due to the Elections Office requirement that they must have been notified between the period of one hundred and twenty-seven (127; February 1, 2010) and one hundred and thirteen (113; February 15, 2010) days prior to the date of elections of all offices subject to the upcoming June 8th election. Therefore, any appointee to the vacant office would serve until the next general municipal election in June 2012, which also coincides with the end of the office term.

On the subject of appointment to fill the vacant office, the City Charter does not define nor designate a method or process for the Council (or Mayor) to determine the appointment. Therefore, the Council (and the Mayor) retain complete discretion and determination in making the appointment.

RECOMMENDATION: That the City Council consider the appointment to fill the vacant office on Council, including any method or process to be utilized.

ATTACHMENT: City Charter, Sec. 16: Vacancies in Office; When Offices Declared Vacant
California Election Code 12101

C/M Item No.
Porterville City Charter

Sec. 16. Vacancies In Office; When Offices Declared Vacant.

A vacancy in any legislative office, from whatever cause arising excluding any vacancy created due to a successful recall election, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections. (3-4-2003)

If any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than thirty (30) days consecutively without permission of the council, or for said period shall wilfully fail or refuse to perform the duties of his office, though able so to do, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant. (3-4-2003)
12101. (a) Not earlier than the 127th nor later than the 113th day before any municipal election to fill offices, the city elections official shall publish a notice of the election in the city pursuant to Section 6061 of the Government Code. The notice shall be headed "Notice of Election," and shall contain a statement of:

(1) The time of the election.

(2) The offices to be filled, specifying full term or short term, as the case may be.

(b) With respect to a special election to fill a vacancy in office, unless the city has enacted an ordinance as referred to in subdivision (d) of Section 10229, and the ordinance does not allow for appointment to fill the vacancy and requires the vacancy to be filled in the special election, the notice shall also state that if no one or only one person is nominated for an elected office, appointment to the elective office may be made as prescribed by Section 10229.

If there is no newspaper of general circulation published and circulated in the city, the notice shall be typewritten and copies shall be posted conspicuously within the time prescribed in at least three public places in the city.