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

Call to Order
Roll Call

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Redevelopment Agency Members

ORAL COMMUNICATIONS

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

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

Adjourn to a meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.
7- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

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

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation

PROCLAMATIONS
  Harmony Magnet Academy Academic Decathlon Team
  Granite Hills High School Academic Decathlon Team

PRESENTATIONS
  Employee of the Month – Russell Isom
  Student Entrepreneur Challenge

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

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

1. City Council Minutes of January 23, 2010

2. Claim – Shane Brock, a minor
   Re: Consideration of a claim in an amount exceeding $25,000 in the Tulare County Superior Court, unlimited jurisdiction, for personal injuries allegedly sustained when the claimant tripped and fell on a sidewalk in the area proximate to 390 N. Pearson on September 9, 2009.

3. Authorization to Advertise for Bids - Installation of Monitor Well
   Re: Accepting staff’s Plans and Project Manual for the project consisting of the construction of a new monitor well, and authorizing a “Professional Services Agreement” with Kenneth D. Schmidt & Associates for professional consulting services relative to the project.

4. Award of Contract – Olive Avenue Rehabilitation Project
   Re: Awarding a contract in the amount of $297,082.00 to Dawson-Mauldin Construction, Inc. of Huntington Beach, California, for the project consisting of the rehabilitation of Olive Avenue between Main Street and ‘H’ Street.
5. **Acceptance of Project – Reclamation Road 216 Pipeline and Weir**
   Re: Accepting project as complete from Sierra Construction & Excavation, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the removal and installation of irrigation pipeline, and the installation of a weir/check structure on Road 216, approximately ¼ mile north of Tea Pot Dome Avenue.

6. **Acceptance of Public Improvements – Meadow Breeze, Phase Three (Gary Smee – Nicholson & Smee LLC)**
   Re: Acceptance of public improvements from the subdivider, Gary Smee-Nicholson & Smee, LLC, for Meadow Breeze, Phase Three, and authorizing the filing of the Notice of Completion.

7. **Authorization to Pay Southern California Edison Income Tax Component of Contribution (“ITCC”) Charge for Utility Pole Relocations and Street Light Installation for the Jaye Street – Montgomery Avenue Roundabout Project**
   Re: Authorizing payment of $9,378.85 for Income Tax Component of Contribution charges associated with the installation of street lights and existing utility pole relocations relative to the Jaye Street corridor capital improvement projects.

8. **Authorization to Travel**
   Re: Approval of travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

9. **Approval of Sports Complex Concession License**
   Re: Approval of Concession Licenses with American Youth Soccer Organization Region 315 and Porterville Youth Football League for the operation of the concession stand at the Sports Complex.

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

11. **Public Transportation Contract with Sierra Management**
    Re: Approval of a revised transportation contract amount of $978,500 for Fiscal Year 2010/2011.

12. **Approval of Measure “R” Program Supplement to Cooperative Agreement**
    Re: Approval of a resolution in support of the Program Supplement to Cooperative Agreement for the reimbursement of design costs associated with the Transit Center Expansion project and the Bus Maintenance Facility Expansion project.

13. **Airport Lease Renewal – Lot 38**
    Re: Approval of an extension of the Lease Agreement between the City of Porterville and Roy and Carol Cundiff of Long Beach, CA, for Lot 38 at the Porterville Municipal Airport.
Re: Approval of an event to be held on Saturday, April 24, 2010, from 9:00 a.m. to 3:00 p.m. at the Porterville Fairgrounds.

15. **Approval for Community Civic Event – Comision Honorifica Mexicana-Americana, Inc. – Cinco De Mayo Festivities – April 29, 2010 to May 2, 2010**  
Re: Approval of annual Cinco de Mayo festivities to take place from April 29, 2010, to May 2, 2010.

Re: Approval of an event to take place on Saturday, May 1, 2010, from 9:00 a.m. to 3:00 p.m. in the northern section of Veteran’s Park.

17. **Amendments to Employee Pay and Benefit Plan**  
Re: Approval of amendments to the Employee Pay and Benefit Plan for Fiscal Year 2009-2010 and 2010-2011 as it relates to employees holding positions represented by the Porterville Police Officers’ Association.

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

**PUBLIC HEARINGS**

18. **Vacation of a Portion of H Street and Kessing Street Between Oak Avenue and the Porter Slough**  
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.

19. **Continuation of 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.

20. **Review of Development Impact Fees and Annual Adjustments Pursuant to Attached Schedules**  
Re: Consideration of previously adopted annual inflationary adjustments made to development related fees per the Engineering News Record.

21. **Conditional Use Permit 03-2010 and Design Overlay Site Review 02-2008, Modification No. 1 to Allow for the Development of a Drive Through Car Wash with Self Serve Vacuums, on the Southeast Corner of West Springville Avenue and South Jaye Street**  
Re: Considering approval of resolutions allowing for the development of a drive through car wash with self serve vacuums, on the southeast corner of west Springville Avenue and South Jaye Street.
22. Consideration of Initiation of Preliminary Proceedings for Annexation No. 473, Adoption of a Negative Declaration for the Project and Consideration of Tentative Subdivision Map 1-2010 (Cottage Estates)
Re: Considering approval of resolutions initiating the incorporation of three parcels for a combined ±8.5 acres of land into the City of Porterville.

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

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA
April 6, 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 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.

PRA-03 Acceptance of Project – Stout Building Sprayed Polyurethane Roofing Project
Re: Considering acceptance of the project from Universal Coatings, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of a sprayed polyurethane foam roofing system and related appurtenances at the Redevelopment Agency owned Stout Building, located at the North West corner of Cleveland Avenue and Hockett Street.

Adjourn to a Meeting of the Porterville City Council
SCHEDULED MATTERS

23. A Resolution of the City Council of the City of Porterville Acting as the Planning Commission of the City of Porterville Finding that the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 Conforms to the Porterville General Plan, Considering the Draft Environmental Impact Report Prepared for the 2010 Amendment, and Recommending Approval and Adoption of the 2010 Amendment

Re: Considering approval of a resolution in support of the proposed amendment to the Redevelopment Plan for the Redevelopment Project No. 1.

24. Consideration of Transaction and Use Tax Oversight Committee Appointment

Re: Considering the appointment of an individual to serve the unexpired term of Mr. Josef Guerrero.

25. Council Member Requested Agenda Item – Discussion of Fireworks Ordinance

Re: Considering a request to discuss Ordinance No. 1761, An Ordinance of the City Council of the City of Porterville Amending Chapter 12, Article II, Fireworks, of the Porterville Municipal Code.

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 20, 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.
PORTERVILLE CITY COUNCIL MINUTES
SPECIAL MEETING – JANUARY 23, 9:00 A.M.
MUNICIPAL LIBRARY
COMMUNITY ROOM, 2ND FLOOR
41 WEST THURMAN AVENUE, PORTERVILLE

Call to Order at 9:00 a.m.
Roll Call: Council Member Hamilton (arrived at 9:20 a.m.), Council Member Felipe Martinez,
Vice Mayor Ward, Mayor McCracken
Absent: Council Member Pedro Martinez

Pledge of Allegiance led by Council Member Felipe Martinez
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
- John Coffee, Porterville resident, commented on the condition of North Grand and the need for repair.

SCHEDULED MATTERS
1. COUNCIL REVIEW OF 2009 PRIORITY PROJECTS, AND CONSIDERATION OF 2010 PRIORITY PROJECTS AND OBJECTIVES

City Manager Lollis introduced the item. He then updated the Council on progress made on 2009 Priority Projects since the Council last considered the item in December of 2009. He spoke briefly about each of the following:
  - Courthouse, Fairgrounds, and Related Projects
  - Ball Field Lighting
  - New Public Safety Station
  - New Library Facility
  - Comprehensive Zoning Ordinance Update
  - Jaye Street to Gibbons Avenue Project
  - Technology Assessment Project
  - Effluent Pipeline and Land-Leveling of Sewer Property
  - Jaye Street Widening, Highway 190 to Springville Avenue

City Manager Lollis presented the Council with priorities and objectives which were identified by the departments as most important, and included the following:
  - Administrative Services – Technology
  - Community Development – The Porterville Hotel
  - Finance – Technology Resources
  - Fire – Public Safety Station
  - Parks & Leisure Services – Heritage Sports Complex
  - Police – Range Relocation
  - Public Works – Plano Street Bridge
Vice Mayor Ward inquired about funding available for technology, and City Manager Lollis indicated that the City continues to fund technological advances, but most of it occurs on the department level, using the departments’ budgets. He clarified that there was no capital account established for technology from which the City was drawing.

Council Member Felipe Martinez asked if the County had been approached regarding a bridge on the far east side of town. Community Development Director Dunlap indicated that general conversations with the County regarding the future of east Porterville had occurred, but none specific to bridges.

Council Member Felipe Martinez also inquired about the funding for street repair, and the City Manager conveyed staff’s interest in the example of Beverly Street. He spoke of the possibility of partnerships between the City and communities lacking infrastructure, in which the City would provide funding and the citizens would pay the City back, and indicated that staff had been looking into the process. Public Works Director Baldo Rodriguez spoke about the pavement management program that staff has implemented as a strategy in prioritization for street maintenance.

Council Member Hamilton asked about a bridge on Newcomb, which to his recollection had been on the radar of past Councils. Public Works Director Baldo Rodriguez spoke briefly of Caltrans funding and their criteria for projects.

Mayor Pete V. McCracken opened up the floor for public comments.

- John Coffee, a Porterville resident, requested clarification on what is considered a low-water crossing.

Public Works Director Rodriguez elaborated on the types of low-water crossings, and the type proposed for the city.

Council Member Felipe Martinez raised the issue of business assistance, and requested information on funding available. Community Development Director Brad Dunlap identified Community Development Block Grant (CDBG) Funds, and Business Assistance Funds as programs available for local businesses. He spoke about capital improvement loans; the reprogramming of funds for the acquisition and rehabilitation of the old JCPenney’s site; the small business revolving loan program; and elaborated on the use of CDBG entitlement funds.

Council Member Felipe Martinez indicated that he would staff to look into funding which would allow Date Street, between Jaye Street and G Street, to accommodate two-way traffic, and spoke of the need for concrete improvements in the area.

City Manager Lollis advised the Council that they had previously identified lighting of the Skate Park as a priority project for 2010. Council Member Hamilton spoke of the importance of ball fields. A discussion ensued regarding mitigation funds, and Council’s direction to staff to meet with the school districts to discuss the expansion of existing sports fields.

A discussion ensued with regard to the identification of technology as a priority by two
departments, and Vice Mayor Ward requested that technology be more operationally defined. The Council then directed that those priorities identified by the departments be added to the list of Council’s 2010 Priority Projects, and that staff look into comments made by the Council relative to Newcomb, Date, and an east side bridge.

**ORAL COMMUNICATIONS**
- Brock Neely, Porterville resident, requested that the Council consider solar lighting for future lighting projects.
- Eddie Hernandez, 2910 Garden Lane, Burton School District Board Member and Steering Chair for Leadership Porterville, spoke of extending open dialogue regarding development of ball fields; and indicated that the class identified East Porterville and disaster preparedness as a community priority.

**OTHER MATTERS**
- Council Member Felipe Martinez:
  1. Indicated that he had received an invitation to attend an upcoming meeting regarding water issues, and proposed a letter campaign to encourage progress of the dam project; and
  2. Requested that staff research funding for tertiary agreements.

**ADJOURNMENT**
The Council adjourned at 10:20 a.m. to the Council Meeting of February 2, 2010 at 6:00 p.m.

_______________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________
Pete V. McCracken, Mayor
SUBJECT: CLAIM – SHANE BROCK, A MINOR

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Shane Brock, a minor by and through his mother, Janell Brock, filed a claim against the City in an amount exceeding $25,000 in the Tulare County Superior Court, unlimited jurisdiction, for personal injuries. Claimant alleges that said injuries were sustained when minor claimant tripped and fell on a sidewalk in the area proximate to 390 N. Pearson on September 9, 2009.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM FORM
(Please Type Or Print)

CLAIM AGAINST CITY OF PORTERVILLE

Claimant's Name SHANE BROCK (a minor by and through his mother, Janell Brock) S.S.#:

Claimant's Date of Birth [Date] Telephone # (559) 719-8887

Claimant's Address 554 W. Morton Ave., #15, Porterville, CA 93257

Address where Notices about Claim are to be sent, if different from above:

Law Office of Robert E. Vanderhorst, 288 North "D" Street, Porterville, CA 93257

Date of Incident/Accident/Arrest: September 9, 2009

Date Injuries, Damages or Losses were discovered: September 9, 2009

Location of Incident/Accident/Arrest: Sidewalk/curb on Morton Ave., on north side of business located at 390 N. Pearson in Porterville, CA

What did Entity or Employee do to cause this Loss, Damage or Injury?

SEE ATTACHMENT 1

(Use Back of this Form or Separate Sheet if necessary to answer this Question in Detail.)

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

The identities of the specific employees who caused Claimant's injuries are unknown at this time.

What specific Injuries, Damages or Losses did Claimant receive?

1-inch long horizontal laceration over right eyebrow resolving in permanent scar, head pain, pain and suffering. The full extent of Claimant's injuries is unknown at this time.

(Use Back of this Form or Separate Sheet if necessary to answer this Question in Detail.)

What Amount of Money is Claimant Seeking, or which is the appropriate court of Jurisdiction [Govt. code 910(f)]?

In excess of $25,000.00; in the Tulare County Superior Court, unlimited jurisdiction.

How was this Amount Calculated, if applicable (please itemize)? Claimant's injuries & damages; medical expenses.

(Use Back of this Form or Separate Sheet if necessary to answer this Question in Detail.)

Date Signed: 2/14/10 Signature: [Signature]

If signed by Representative:

Representative's Name Robert E. Vanderhorst, Attorney at Law
Address 288 North "D" Street, Porterville, CA 93257
Telephone # (559) 781-0506
Relationship to Claimant Attorney for Claimant

1/10/10 Revision
ATTACHMENT 1

Attachment to Claim Form

The City of Porterville, its agents, employees, contractors, sub-contractors, and each of them, negligently and carelessly designed and constructed the sidewalks and curbs in the area of Claimant’s fall. Additionally, the City of Porterville, its agents, employees, contractors, sub-contractors, and each of them, negligently and carelessly failed to inspect maintain, and repair or cause to be repaired City sidewalks and curbs in the area of Claimant’s fall, all of which conduct on the part of the City of Porterville, its agents, employees, contractors, and sub-contractors caused a dangerous condition to exist (a broken and crumbling curb) of which the City of Porterville, its agents, employees, contractors, sub-contractors, and each of them, negligently failed to warn Claimant, all of which conduct caused Claimant to suffer the injuries and to incur the damages complained of herein.
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – INSTALLATION OF MONITOR WELL

SOURCE: Public Works Department – Field Services Division

COMMENT: The September 2009 Nitrogen Removal Alternatives Report directed the City of Porterville to review options to denitrify its effluent wastewater to meet the requirements of Provision G.1, WDR R5-2008-0034 promulgated by the California Regional Water Quality Control Board (CRWQCB).

Provision G.1 of the WDR R5-2008-0034 states that the release of waste constituents associated with the discharge of effluent shall not cause or contribute to groundwater having nitrate as nitrogen levels greater than 10 mg/L or greater than natural background levels, whichever is greater.

Two options are available to the City to remove or lessen the nitrate levels in the City's wastewater stream. The 1st option includes the re-circulation of incoming wastewater at the treatment plant. This option requires physical modifications at the treatment plant estimated at $3.3 million.

The 2nd option, commonly referred to as “pond cycling” requires that the City discharge its effluent to one pond for a limited period and then re-direct the flows to another pond allowing the first pond to fully percolate and dry out. The cycling process is continuous whenever effluent is discharged to the percolation ponds.

Dr. Ken Schmidt of Kenneth D. Schmidt and Associates, evaluated nitrate concentrations in the existing monitor wells down gradient of the percolation ponds from 2002 to 2008. Dr. Schmidt determined that denitrification losses of approximately 33% occurred in the effluent during percolation. Dr. Schmidt concluded that greater nitrogen losses could be achieved with pond cycling. Based on Dr. Schmidt's conclusions, staff began pond cycling this past winter.

Staff has prepared plans and specifications for the construction of one new monitor well. These plans are in the La Barca Room for Council's review. Staff believes the plans & specifications are at least 95% complete. Staff seeks Council's approval to consult with Dr. Schmidt to review the plans and specifications to make sure that the latest technical requirements have been satisfied. In addition, staff will ask Dr. Schmidt's help in locating the new monitor well for maximum benefit. Dr. Schmidt's contract shall have a "not to exceed" limit of $4,000.
Further, staff seeks Council authorization to advertise for bids on the Reclamation Area Monitor Well Project. The "Engineer’s Construction Estimate" with contingency is $19,800. A $3,200 "construction management" component is anticipated at this time. When combined with the $4,000 Consultant fee the total project cost is estimated to be $27,000.

Wastewater Treatment Plant Capital Reserve Fund is the funding source for this project. A budget adjustment to the 2009/2010 Annual Budget is needed to move forward with the Reclamation Area Monitor Well project as described herein. The actual costs will be known at the time of bid opening.

RECOMMENDATION: That City Council:

1. Authorize the Public Works Director to enter into a "Professional Services Agreement" with Kenneth D. Schmidt & Associates for professional consulting services on the City’s Reclamation Area Monitor Well Project;

2. Approve Staff’s recommended plans and project manual;

3. Authorize Public Works to advertise for bids on the Reclamation Area Monitor Well Project; and

4. Direct the Finance Director to initiate a Budget Adjustment to the 2009/2010 Annual Budget for $27,000 from the Wastewater Treatment Plant Capital Reserve Fund with the understanding that the actual budget adjustment will be finalized at the time of contract award.

ATTACHMENT: Estimate of Probable Cost
# RECLAMATION AREA MONITOR WELL

**ENGINEER’S ESTIMATE – March 24, 2010**

<table>
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<th>ITEM</th>
<th>QTY.</th>
<th>Unit</th>
<th>DESCRIPTION</th>
<th>Unit PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
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<td>1.</td>
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<td>L.S.</td>
<td>Mobilization</td>
<td>$8,000.00</td>
<td>$8,000.00</td>
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<tr>
<td>1.</td>
<td>105</td>
<td>L.F.</td>
<td>12 ¾” Borehole Drilling</td>
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<td>E-Log</td>
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<td>3.</td>
<td>50</td>
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<td>Furnish/Install 5” Sch. 40 PVC</td>
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<td>Furnish/Install 5” Sch. 40 PVC Blank</td>
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<td>5.</td>
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<td>L.F.</td>
<td>Furnish/Install Gravel Pack &amp; Bentonite Seal</td>
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<td>$825.00</td>
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<td>6.</td>
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<td>L.F.</td>
<td>Furnish/Install Annular Seal</td>
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<td>$1,000.00</td>
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<tr>
<td>7.</td>
<td>8</td>
<td>HRS</td>
<td>Swab &amp; Airlift</td>
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<td>$1,200.00</td>
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<td>8.</td>
<td>1</td>
<td>L.S.</td>
<td>Furnish/Install Bollards &amp; Locking Cover</td>
<td>$750.00</td>
<td>$750.00</td>
</tr>
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</table>

**SUB TOTAL**

$18,000

10% Construction Contingency
Construction Engineering/Staff Time
Consultant Assistance

Total Estimated Probable Cost of Project

$27,000.00

**ESTIMATE CERTIFIED**

Project Manager: [Signature] 3/29/10
City Engineering: [Signature] 3/29/10
Public Works Director: [Signature] 3/29/10
City Manager: [Signature] 3/31/10
COUNCIL AGENDA: APRIL 6, 2010

SUBJECT: AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On March 23, 2010, staff received three (3) bids for the American Recovery & Reinvestment Act 1 (ARRA 1) funded Olive Avenue Rehabilitation Project. The project base bid consists of the rehabilitation of Olive Avenue between Main Street and 'H' Street including cold in place recycling 3” of existing asphalt concrete, application of a thin asphalt overlay, striping, markings and related work.

The Engineer’s estimate of probable cost for the project was $272,684.00. The lowest bid provided was $297,082.00, which is 8.9% above the Engineer’s estimate. An additional $29,708 is required for the construction contingency (10%). An additional $14,855 is required for construction engineering (5%) and $7,430 (2.5%) for quality control testing. The total estimated cost associated with the project is $349,075.

Local Transportation Funds (LTF) will initially finance $319,000 of the costs associated with this project as approved by City Council during the February 16, 2010 meeting. During the same meeting, City Council also authorized the appropriation of additional LTF funds to finance the project should there be a shortfall. There will be a need to appropriate additional funds from the Overlay Program, which is solely funded by LTF. The appropriation amount is $30,094. American Recovery & Reinvestment Act 1 (ARRA 1) funds in the amount of $318,981 will reimburse the LTF.

The bids were as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Dawson-Mauldin Construction, Inc.</td>
<td>$297,082.00</td>
</tr>
<tr>
<td>Huntington Beach, CA</td>
<td></td>
</tr>
<tr>
<td>2. American Paving Co.</td>
<td>$310,681.55</td>
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<tr>
<td>Fresno, CA</td>
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</tr>
<tr>
<td>3. Granite Construction Co.</td>
<td>$338,497.85</td>
</tr>
<tr>
<td>Watsonville, CA</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the City Council:

1. Award the Olive Avenue Rehabilitation Project to Dawson-Mauldin Construction, Inc. in the amount of $297,082.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENTS: Caltrans E-76 Locator Map

P:\pub\works\Engineering\Council Items\Award of Contract - Olive Avenue Rehabilitation Project - 2010-04-06.doc

Dir Appropriated/Funded CM Item No. 4
PPNO - 06-AMEND#016 06-TUL09-900

STATE REMARKS

The scope of this project includes cold-in-place recycling of the existing 0.25' asphalt concrete pavement, applying a 0.10' of AC overlay, adjusting utilities to grade, and restriping the roadway. SK 12/2/09.

This project is located on Olive Ave. The Base Bid limits are from Main St to H St. Alternate A extends the limits from H St to Jaye St. Alternate B extends the limits from Jaye St to Carmelita St, and Alternate C extends the limits from Carmelita St to Villa St. The award of the contract will be made to the lowest bidder on the total of the Base Bid plus all alternates. The alternates will be selected in order starting with Alternate A and adding alternates until the limit of the City's budget for this project is reached. At this point, the City should request an AMOD to clarify the project limits. SK 12/2/09.

NEPA and RW Certification limits are on Olive Ave, from Main St to Villa St. An email is attached to this package from TGAG concurring to the Agency's bidding proposal for this project. SK 12/07/09.

SEQ 1: Authorizes $318,981/C200 ARRA funds for CON/CE work. FS 12/22/09.

This project is on line#1 of TCAG's 1511 Certification list posted on 10/23/09 (the Certification List for TCAG is the 4th page down from the top of the posted documents).zh.

-12/22/09 SEQ#1: The purpose of this request is to authorize $318,981 federal fund for the Construction and CENG phase.zh.
SUBJECT: ACCEPTANCE OF PROJECT – RECLAMATION ROAD 216 PIPELINE AND WEIR

SOURCE: Public Works Department - Engineering Division

COMMENT: Sierra Construction & Excavation, Inc. has completed construction of the Reclamation Road 216 Pipeline and Weir per plans and specifications. The project is located on Road 216 approximately 1/4 mile north of Tea Pot Dome Avenue in the City of Porterville. The project consisted of removing and installing irrigation pipeline, and installing a weir/check structure.

City Council authorized expenditure of $137,205.75. Final construction cost is $131,904.41. Funding is provided by Wastewater Treatment Facility Capital Reserve funds as approved by City Council on December 1, 2009.

Sierra Construction and Excavation, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

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

ATTACHMENT: Locator Map

P:\\pubworks\Engineering\Council Items\Acceptance of Project - Reclamation Road 216 Pipeline & Weir - 2010-04-06.doc
SUBJECT: ACCEPTANCE OF PUBLIC IMPROVEMENTS – MEADOW BREEZE, PHASE THREE (GARY SMEE – NICHOLSON & SMEE LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Subdivider, Gary Smee – Nicholson & Smee LLC, has requested that the public improvements constructed for his subdivision be accepted by the City for maintenance. All required improvements, including sidewalks, have been completed, inspected by City staff and found to be acceptable.

The Subdivider has submitted a one (1) year maintenance guarantee for five percent of the total cost of improvements.

RECOMMENDATION: That the City Council:

1. Accept the public improvements of Meadow Breeze, Phase Three Subdivision for maintenance;

2. Authorize the filing of the Notice of Completion; and

3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\ACCEPTANCE OF IMPROVEMENTS - MEADOW BREEZE, PHASE THREE - 2010-04-06.DOC
COUNCIL AGENDA: APRIL 6, 2010

SUBJECT: AUTHORIZATION TO PAY SOUTHERN CALIFORNIA EDISON INCOME TAX COMPONENT OF CONTRIBUTION ("ITCC") CHARGE FOR UTILITY POLE RELOCATIONS AND STREET LIGHT INSTALLATION FOR THE JAYE STREET – MONTGOMERY AVENUE ROUNDABOUT PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On February 16, 2010, City Council authorized the City Engineer to execute contracts and pay invoices for the existing facility relocations and installation of new street lights, all of which are related to the Jaye Street corridor capital improvement projects. Subsequent to that meeting Southern California Edison (SCE) delivered two (2) new invoices seeking additional funds for the Income Tax Component of Contribution ("ITCC") charge, effective January 1, 2010. The new tax is a component of the South Jaye Street Extension Project, but not a part of the Jaye Street – Montgomery Avenue Roundabout Project. Attached for Council’s reference is SCE’s letter describing the 35% taxation increase and the resulting two invoices.

The following are the "ITCC" amounts for the Jaye Street-Montgomery Avenue Roundabout Project:

- "ITCC" Charge for new street light installation: $3,962.03
- "ITCC" Charge for existing facilities relocation: $5,416.82
  Total: $9,378.85

Local Transportation Funds, Local Measure R Funds, Proposition 1B and Transportation Impact Fees are the funding sources for the street related improvements for both projects as defined in the 2009/2010 fiscal year budget.

RECOMMENDATION: That the City Council:

1. Approve the "ITCC" charges associated with the installation of street lights and existing utility pole relocations; and

2. Authorize the City Engineer to disburse funds to SCE.

ATTACHMENT: SCE Letter and Invoices

P:\pub\works\Engineering\Council Items\Authorization to Execute Contracts with SCE for Jaye-Montgomery Roundabout and South Jaye Street Project - 2010-02-16.doc

Dir Appropriated/Funded CM Item No. 7
March 23, 2010

MIKE REED, ENGINEER
CITY OF PORTERVILLE
291 N. MAIN ST.
PORTERVILLE, CA 93257-3737

Subject: Income Tax Component of Contribution ("ITCC") Change Effective January 1, 2010 – New SCE Billing Invoice

Dear MR. REED,

Southern California Edison (SCE) has reverted the Income Tax Component of Contribution (ITCC) rate from 22% back to 35% effective January 1, 2010.

The ITCC factor has reverted back to 35% as a result of a temporary change in the Federal Depreciation Provisions of the Internal Revenue Code which required that a special allowance be granted for certain property acquired on or after March 1, 2009 and before January 1, 2010. Subsequently, the March 2009 implementation date was revised back to January 1, 2009. Based on this provision, SCE lowered the ITCC rate and is now required by the same law to revert it back to 35%.

The ITCC rate of 35% is reflected in the new invoice enclosed with this letter. Thus, any prior invoices sent to you are replaced with the enclosed new invoice and, if necessary, any other documents that require revision. Please make your payment based on this new invoice, and return all provided documents with new signatures to SCE. Thank you for taking the time to process this new billing invoice for your projects (SCE Project Nos. 6851-6741-96727/TD357805 and 6851-4393-94053/TD374056).

If you have any questions about the enclosed documents for your project, please contact me at 559-684-3519.

Sincerely,

MIGUEL TRUJILLO
Project Manager

Enclosures
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<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>374056 - ST LT INSTALLATION</td>
<td>$21,986.99</td>
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Previous Payment

- Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment
- If a street light work order is associated with this project, contracts for that project will be enclosed.
- All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
- Please return all applications and/or contracts fully completed.
- An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
- Call the Edison company at 1-800-665-4555 to make application for electrical service.

Invoice Total $3,962.03

Please detach and return payment stub with payment

Payment Stub

<table>
<thead>
<tr>
<th>Invoice #</th>
<th>PORTERVILLE, CITY OF</th>
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<tr>
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<td></td>
<td>PORTERVILLE CA 93257 3737</td>
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</table>

Make check payable to Southern California Edison

2425 SOUTH BLACKSTONE AVENUE
TULARE CA 93274

Thank you for paying promptly
**Invoice #** | 78857
---|---
**Invoice Date:** | 03/22/2010
**SCE Contact:** | Miguel Trujillo
**Telephone:** | 

### Description

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<td></td>
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</tbody>
</table>

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### Previous Payment

* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment.
* Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
* If a street light work order is associated with this project, contracts for that project will be enclosed.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* Please return all applications and/or contracts fully completed.
* Easement documents will be mailed directly to you from our Right of Way department. Please complete and return them as soon as possible, as we will not be able to proceed with the project without clearance.
* An Edison inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

**Invoice Total** | $5,416.82

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Please detach and return payment stub with payment

**Payment Stub**

<table>
<thead>
<tr>
<th>Invoice #:</th>
<th>78857</th>
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<tbody>
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<tr>
<td>291 N MAIN ST</td>
<td></td>
</tr>
<tr>
<td>PORTERVILLE CA 93257 3737</td>
<td></td>
</tr>
</tbody>
</table>

Please pay total amount now due: $5,416.82

Thank you for paying promptly

Make check payable to Southern California Edison

2425 SOUTH BLACKSTONE AVENUE
TULARE CA 93274
SUBJECT: AUTHORIZATION TO TRAVEL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The International Council of Shopping Centers (ICSC) will be hosting their annual conference in Las Vegas, Nevada, May 23 – 25, 2010. During the 2009 conference staff met formally with eight different national retailers and/or developers, and made numerous contacts with retailers in the exhibit hall.

Staff continues to communicate with the contacts made at the ICSC conference to promote Porterville and encourage retailers to locate in our community. One success from the 2009 ICSC conference was the successful partnership with the developer for the location of a Kohl’s in Porterville sooner than the 36 to 60 month timeframe that was initially indicated. A continued presence is important while marketing Porterville to retailers and staff would like to continue efforts by attending the 2010 ICSC conference.

The cost for the trip is estimated to be $2,000 and funding is available in the Economic Development budget.

RECOMMENDATION: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.
COUNCIL AGENDA: APRIL 6, 2010

SUBJECT: APPROVAL OF SPORTS COMPLEX CONCESSION LICENSE

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: On March 2, 2010, the approval of the Sports Complex Concession License to the American Youth Soccer Organization (AYSO) was on the Council agenda. The City Council referred the item back to the Parks and Leisure Services Commission after the Porterville Youth Football League (PYFL) showed interest in the Sports Complex Concession License at the Council meeting. The Parks and Leisure Services Commission will be meeting on April 1, and the recommendation from that meeting will be presented to Council on April 6th.

Spring and summer league game usage at the Sports Complex consists of City baseball in May, and the Junior Giants league in July. PYFL will be practicing at the Sports Complex near the concession building July 5 - August 27, 2010. This may be the first year that PYFL play some games during the fall at the Sports Complex. AYSO is scheduled to play its 2010 fall season in the area of the Sports Complex just east and south of the concession building.

AYSO is interested in the Concession License beginning August 1, 2010 so that sufficient time will be available to set up their vending equipment prior to commencement of City league soccer play on August 27th. PYFL is also interested in having sufficient time to remove their vending equipment following the completion of the Junior Giants program on July 31, 2010 and initially requested August 15th for this purpose.

Staff will be blocking out the use of the fields adjacent to the concession facility between August 2, 2010 and August 26, 2010 to provide a rest period for the turf. Staff recommends that both organizations be given two weeks during August for vending equipment and supply transition.

The total fee incurred from the monthly usage, as well as the monthly concession report providing the income generated from the concession facility, are due by the 5th day of each month. The current fee for concession building usage is $5.91 per hour. The fee is adjusted yearly by the San Francisco Consumer Price Index.

ACTING P & L DIRECTOR

[Signature] Director [Signature] Appropriated/Funded [Signature] City Manager

ITEM NO.: 9
Staff recommends PYFL be granted the concession license April 9, 2010, - August 13, 2010, and AYSO be granted the concession license August 14, 2010 - March 31, 2011. PYFL has also expressed an interest to operate their portable concession stand in the fall during their games only in the far southeast portion of the Sports Complex. Staff believes that it would be too far for anyone watching the games to go to the existing concession stand, thus the portable concession stand would provide a needed service without deterring from AYSO activities.

RECOMMENDATION: That the City Council approve the Concession License with AYSO Region 315 and the Concession License with the Porterville Youth Football League, and authorize and direct the Mayor to execute same.

ATTACHMENTS: Concession License with AYSO Region 315
Concession License with Porterville Youth Football League
CITY OF PORTERVILLE
SPORTS COMPLEX
CONCESSION LICENSE

The City of Porterville, hereinafter referred to as "CITY" hereby grants to the American Youth Soccer Organization (AYSO), hereinafter referred to as "LICENSEE", a license for services to the public in general, of the sale of soft drinks, ice creams, hot dogs, pre-packaged food, and general confectionery articles and products at the Sports Complex Concession Building located at 2701 W. Scranton Avenue, Porterville CA, from August 14, 2010 – March 15, 2011.

1. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.

2. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized soccer or at any other time the CITY deems the operation of the concession necessary for special activities.

3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.

4. The LICENSEE shall open all gates and secure them open with locks upon opening the park and concession facility. The LICENSEE shall arm the concession building and lock all gates upon closing the concession building and park. The LICENSEE shall turn in all keys to the CITY by March 20, 2011.

5. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season. The LICENSEE shall also see to it that any type machine or equipment does not block any door entrance.

6. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate.

7. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.
8. The CITY, by its authorized agents and servants, reserves the right of entry upon
the premises where said license is being operated for purposes of inspection.

9. Nothing herein shall be construed as making the CITY and the LICENSEE
partners and/or joint ventures.

10. To the fullest extent permitted by law, the LICENSEE shall and hereby does
agree to save, defend and indemnify the CITY, all of its officers, agents and
employees of and from all manner of claims, demands, actions or causes of
actions of all persons arising from or in any way connected with the use,
occupation or employment of said License, or activities engaged in, or carried on
or conducted upon the premises by the LICENSEE, together with costs and
attorney’s fees and shall secure, at LICENSEE’s expense, liability insurance
including product liability indemnifying the CITY and the LICENSEE in the sum of
two million dollars ($2,000,000) combined single limit for property damage and
injury, including death, to one or more persons, and deposit with the CITY an
original certificate of said insurance, name the CITY, its officers, agents and
employees as an additional insured on LICENSEE’s policy.

11. LICENSEE shall maintain Workers’ Compensation Insurance for all its
employees and volunteers who are in any way connected with the performance
of LICENSEE’s concessionary interests to the extent as provided by law.

12. During the entire term of this License, the Licensee shall not suffer, allow, or
permit any income, profit, or emolument gross and net, from any of its activities
arising from, connected with, or in any manner associated with the use and
employment by the LICENSEE of this License to inure, to be paid to, or delivered
to the benefit of any members, private shareholder, or individual; and/or income,
profit, gross and net, or other rights or benefits which shall arise from the use and
employment of this LICENSEE shall be used solely, positively and exclusively to
meet the necessary expenses or upkeep and operation of the activities of the
LICENSEE as such, and not any members, shareholders, or individual.

13. The LICENSEE shall pay monthly to the City a fee of $5.91 per hour for the use
of the concession building by the 5th of each month. The payment will be made
by AYSO. The fee will be adjusted July 1st of each year by the San Francisco
Consumer Price Index.

14. The LICENSEE shall maintain and keep adequate records of its sales from the
Licensed premises and agrees to permit the CITY to examine said records on
demand. In addition, the LICENSEE shall submit a completed “Monthly
Concession Report” form to the City no later than the fifth day of the month
following any month during which the LICENSEE conducted concession sales.

15. The LICENSEE shall have the right and privilege, provided it is not in default of
the terms and provisions of the License, at the end of the term or sooner
termination thereof, to remove from the Licensed premises all personal property
belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.

16. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with our without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.

17. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California this 6th day of April, 2010.

CITY OF PORTERVILLE

BY: ________________________________________
    Pete V. McCracken, Mayor

PORTERVILLE AMERICAN
YOUTH SOCCER
ORGANIZATION

BY: ________________________________________
    President

ATTEST:

John Lollis, City Clerk

BY: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

______________________________
Julia M. Lew, City Attorney
CITY OF PORTERVILLE
SPORTS COMPLEX
CONCESSION LICENSE

The City of Porterville, hereinafter referred to as “CITY” hereby grants to the Porterville Youth Football League (PYFL), hereinafter referred to as “LICENSEE”, a license for services to the public in general, of the sale of soft drinks, ice creams, hot dogs, pre-packaged food, and general confectionery articles and products at the Sports Complex Concession Building located at 2701 W. Scranton Avenue, Porterville CA, from April 9, 2010 – August 13, 2010.

1. The LICENSEE shall not sell or serve any type of alcoholic beverage on the premises.

2. The LICENSEE shall, at all times during the term of said License, keep and maintain the concession building open for the convenience of patrons at said Field during the hours in which said Field is being utilized for organized soccer or at any other time the CITY deems the operation of the concession necessary for special activities.

3. The LICENSEE shall keep and maintain all concession facilities, equipment and grounds at and around said concession building in good and sanitary condition and shall keep and maintain all of the concession fixtures and equipment in good condition and repair.

4. The LICENSEE shall open all gates and secure them open with locks upon opening the park and concession facility. The LICENSEE shall arm the concession building and lock all gates upon closing the concession building and park. The LICENSEE shall turn in all keys to the CITY by August 18, 2010.

5. In the event the LICENSEE coordinates placement of refrigerators or vending and dispensing machines at the facility, LICENSEE shall ensure such machines are removed or disengaged from City provided utilities promptly at the conclusion of each season. The LICENSEE shall also see to it that any type machine or equipment does not block any door entrance.

6. In the event the LICENSEE shall fail, neglect or refuse to abide by and perform the terms, conditions, covenants, and agreements hereof, the CITY may, at its option, terminate and cancel this License and in the event of a termination of this License, the LICENSEE shall surrender up and deliver to the CITY complete possession of the premises where said License is being operated within 30 days after receiving notice to vacate.

7. The LICENSEE shall not assign, transfer or convey this license or any of the rights or benefits hereunder to any person, firm or corporation without first securing the written consent of the CITY.
8. The CITY, by its authorized agents and servants, reserves the right of entry upon the premises where said license is being operated for purposes of inspection.

9. Nothing herein shall be construed as making the CITY and the LICENSEE partners and/or joint ventures.

10. To the fullest extent permitted by law, the LICENSEE shall and hereby does agree to save, defend and indemnify the CITY, all of its officers, agents and employees of and from all manner of claims, demands, actions or causes of actions of all persons arising from or in any way connected with the use, occupation or employment of said License, or activities engaged in, or carried on or conducted upon the premises by the LICENSEE, together with costs and attorney’s fees and shall secure, at LICENSEE’s expense, liability insurance including product liability indemnifying the CITY and the LICENSEE in the sum of two million dollars ($2,000,000) combined single limit for property damage and injury, including death, to one or more persons, and deposit with the CITY an original certificate of said insurance, name the CITY, its officers, agents and employees as an additional insured on LICENSEE’s policy.

11. LICENSEE shall maintain Workers’ Compensation Insurance for all its employees and volunteers who are in any way connected with the performance of LICENSEE’s concessionary interests to the extent as provided by law.

12. During the entire term of this License, the Licensee shall not suffer, allow, or permit any income, profit, or emolument gross and net, from any of its activities arising from, connected with, or in any manner associated with the use and employment by the LICENSEE of this License to inure, to be paid to, or delivered to the benefit of any members, private shareholder, or individual; and/or income, profit, gross and net, or other rights or benefits which shall arise from the use and employment of this LICENSEE shall be used solely, positively and exclusively to meet the necessary expenses or upkeep and operation of the activities of the LICENSEE as such, and not any members, shareholders, or individual.

13. The LICENSEE shall pay monthly to the City a fee of $5.91 per hour for the use of the concession building by the 5th of each month. The payment will be made by AYSO. The fee will be adjusted July 1st of each year by the San Francisco Consumer Price Index.

14. The LICENSEE shall maintain and keep adequate records of its sales from the Licensed premises and agrees to permit the CITY to examine said records on demand. In addition, the LICENSEE shall submit a completed “Monthly Concession Report” form to the City no later than the fifth day of the month following any month during which the LICENSEE conducted concession sales.

15. The LICENSEE shall have the right and privilege, provided it is not in default of the terms and provisions of the License, at the end of the term or sooner termination thereof, to remove from the Licensed premises all personal property
belonging to the LICENSEE, together with their stocks, goods and wares and trade fixtures that LICENSEE may have installed, provided the same can be removed without material injury to the premises and the LICENSEE hereby acknowledges receipt of the premises in good condition and repair.

16. Notwithstanding any provision of this agreement to the contrary this agreement may be terminated by either party, with our without cause, by giving the other party thirty (30) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested.

17. Attorney Fees. If any litigation is commenced between the parties to the Agreement concerning the Agreement or the rights and duties of either in relation to the Agreement, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation to a reasonable sum as and for its attorneys fees in the litigation, which shall be determined by the court in that litigation or in a separate action brought for that purpose.

IN WITNESS whereof the parties have executed this License Agreement at Porterville, California this 6th day of April, 2010.

CITY OF PORTERVILLE

BY: _____________________________  
Pete V. McCracken, Mayor

PORTERVILLE YOUTH FOOTBALL LEAGUE

BY: _____________________________  
President

ATTEST:

John Lollis, City Clerk

BY: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

__________________________________
Julia M. Lew, City Attorney
SUBJECT: SEAFOOD CAFE/EL REVENTON CONSIDERATION OF MODIFICATION OR REVOCATION OF CUP 5-2007

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On March 16, 2010, the City Council continued the item to the next meeting, April 6, 2010, due to lack of a quorum.

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 Cafe/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 March 16, 2010, the City Council continued the item to
the next meeting, April 6, 2010, due to lack of a voting quorum.

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 seven days a week.

WHEREAS: The modified hours of operation are now consistent with the
closing hours of operation of other local bar & grill establishments in the City. With the
modification, the new business hours of operation are 10am-2am seven days a week; and

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.

ATTACHMENT
ITEM NO. |
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 CUP 5-2007 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 ________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 10-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE RESCINDING 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 interceptor 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,
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 clean 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 Patrice 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:

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<th>Council:</th>
<th>McCracken</th>
<th>P. Martinez</th>
<th>F. Martinez</th>
<th>Hernandez</th>
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JOHN LONGLEY, CITY CLERK

By [Signature]
Luisa Herrera, Deputy City Clerk
COUNCIL AGENDA: April 6, 2010

SUBJECT: PUBLIC TRANSPORTATION CONTRACT WITH SIERRA MANAGEMENT

SOURCE: Administration (Transit)

COMMENT: On July 18, 2006, the City of Porterville and Sierra Management executed an Agreement to provide operational and management services for Fixed Route and Demand-Response for the period of July 1, 2006 through June 30, 2010. On March 2, 2010, the City Council approved the two-year option to extend as requested by Sierra Management in accordance with the provisions of their agreement, which extends the contract to June 30, 2012.

According to the agreement, "the contractor may, 90 days prior to the expiration date of each year of the agreement, submit an adjusted hourly revenue rate for the succeeding year. Any adjustment shall be based upon changes in actual costs. The hourly rate shall not increase by more than the percentage change in the San Francisco Consumer Price index, but not to exceed five percent (5%), unless evidenced that such costs are essential and are not within the control of the contractor to reconcile, in which case any change in excess of the formula would require Council approval."

Fiscal year 2002/03, was the last time the transportation agreement came before the City Council for approval of the contract amount, required by the 5% limitation. For all succeeding years, the transportation agreement has managed to stay within this provision. During FY 2002/03, the transit system was quite different from the system we know today. We were utilizing a transfer site on Second Street as the terminal for the buses, and we had a total of five routes. The total transportation cost for FY 2002/03 was $839,642, broken down as $15,075.53 per month in Fixed Costs for each system, $13.93 for Demand Response Revenue Vehicle Hourly Rate, and $13.89 for Fixed Route Revenue Vehicle Hourly Rate.

During the succeeding years, the City built a Transit Center which required the contractor to move to the location of 61 West Oak Avenue. As a result of that move, the contractor was further required to obtain a $5 million General Liability Policy, in addition to expanding their contract to
include landscape and maintenance of the Transit Center buildings and property, and bus shelter maintenance. The City also added three additional transit routes, requiring additional drivers, increased training and supervision, and additional impacts to insurance levels required.

It is important to note that during Fiscal Year 2009/10, Sierra Management voluntarily decreased their budget to the City by approximately 10% -- nearly $100,000.00, to show their commitment to the City to “share the pain” in difficult times. Sierra Management is still very much committed to continue that “share the pain” philosophy, but the upcoming fiscal year budget is being impacted by numerous factors that are occurring that are out of their control. Staff has itemized below the amounts of the contract for three fiscal years to demonstrate this decrease, and the corresponding increase proposed for Fiscal Year 2010/11:

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<th>Fiscal Year</th>
<th>Amount</th>
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<td>2008/09</td>
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<td>2009/10</td>
<td>$ 906,164</td>
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<td>2010/11</td>
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The proposed contract amount is $978,500, broken down as $21,513.59 per month in Fixed Costs for each system, $11.88 for Demand Response Revenue Vehicle Hourly Rate (a decrease of 14.7% from the FY 02/03 rate), and $15.89 for Fixed Route Revenue Vehicle Hourly Rate (an increase of 14% over the FY 02/03 rate) as a result of the three additional routes and additional service required. The percentage of increase in the transportation contract over the last nine years averages 1.83% per year.

Even though the proposed contract reflects a 7.9% increase over Fiscal Year 2009/10 (the year of the voluntary reduction in the agreement), the proposed contract amount is still below that experienced in Fiscal Year 2008/09 -- an approximate 2.6% decrease, and still averages to a 1.83% annual increase over the years reflected in this agenda item.

Attached for reference is a letter from Sierra Management along with supporting attachments itemizing costs for each segment covered by the agreement. Staff has analyzed the increase and its possible impact upon the overall Transit budget. As Council will recall, staff made a presentation in January addressing route interval increases, route changes and fare increases, along with highlighting cost-saving and efficiency measures implemented in an effort to maintain, or decrease where possible, operating costs. Preliminary budget calculations reflect a 3% decrease in the Transit operating budget for FY 2010/11, which takes into account the proposed increase in the transportation contract. Additionally, transit revenues will increase during FY 2010/11 as a result of the fare modifications implemented in February, 2010. Staff continually works
toward marketing the fixed route system to increase potential ridership, as well as communicating closely with numerous public agencies to transfer their ticket sale purchases to the bus pass option. Through a combination of all these efforts, the increase in the transportation contract will not adversely impact the required farebox ratio.

As an added note of interest, since introducing the 40-minute headways on February 6, 2010, the fixed route system has maintained 100% on-time performance.

RECOMMENDATION: That the City Council:

1. Approve the revised transportation contract amount submitted by Sierra Management, and

2. Authorize Staff to incorporate the new revenue vehicle hourly rates for Demand Response and Fixed Route, as well as the Fixed Cost components, into the Transit Budget for FY 2010/11.

ATTACHMENT: Memo and Breakdown of Contract Amounts
To: Linda Clark  
From: Richard Tree  
Date: March 22, 2010

RE: 2010-2011 Transit Budget

Linda,

For the FY 2010/2011 budget, Sierra Management has incurred increases in workers compensation rates, insurance bonding, liability, health, and several other areas. Because of these increases, which are out of our control, we are unable to stay within the 5% increase. It is important to note that FY 2010-2011 contract price is below the FY2008-2009 contract price. The following figures are projected for FY 2010/2011 budget.

**Fiscal Year 10/11**

Fixed Route Fixed Costs: $258,163.00

Fixed Route Revenue Hourly Rate: $15.89 @ 24,600 Hours

Demand Response Fixed Costs: $258,163.00

Demand Response Hourly Rate: $11.88 @ 6000 Hours

**2010-2011 Budget**

$978,500.00

Sincerely,

Richard Tree  
Operations Manager
2010-2011 Budget Worksheet

Fixed Route Wages (18 Drivers) -------------------------------- $390,894.00
Demand Response Wages (5 Drivers) --------------------------- $71,280.00
Administrative/Maintenance Costs* (5 Employees) ------------- $170,455.00
Dispatching Costs (3 Employees) ----------------------------- $60,517.00
Fixed Cost Elements ----------------------------------------- $285,354.00

2010-2011 Budget ------------------------------------------- $978,500.00

* Note: Administrative/Maintenance costs included General Administration (Operations, Safety, Bus Cleaning Supervisors), Bus Stop Maintenance/Cleaning, and additional Transit Center Maintenance.

Based on last year’s budget of $906,164 a 5% increase would have increased the contract price to $951,472, which would be allowed under the current contract agreement. Unfortunately, workers compensation rates increased $13,695 a 38% increase over last year. Along with increases in workers compensation rates, professional insurance rates increased over the last year. Professional insurances, mainly bonding, property liability, and health, increased $11,550 a 46% increase over last year. Sierra Management also incurred increases in drug testing rates, criminal background rates, and web hosting costs, which totaled $1,783, the remainder of the increases.

Sierra Management received notice by the current workers compensation carrier, to expect a minimum 25% increase for the upcoming year, citing increases in medical costs. Sierra Management contacted 5 workers compensation carriers and only received bids from one other carrier, State Fund. State Fund rates were doubled that of the current carrier.

Performance bonding rates incurred dramatic rate increases due to the current market environment and bonding of the transit industry. Bonding companies have commented that bonding 50% of the current contract price is particularly high for this industry and will continue to receive a higher cost.

Although the FY 2010-2011 budget has increased over the 5% contract agreement, again it is important to note that this contract price is below the FY 2008-2009 contract price.
COUNCIL AGENDA: April 6, 2010

SUBJECT: APPROVAL OF MEASURE “R” PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

SOURCE: Administration – Transit Division

COMMENT: The Tulare County Association of Governments, acting as the Local Transportation Authority (“Authority”), is requesting that the City of Porterville approve and submit another Program Supplement to Cooperative Agreement for the City of Porterville Transit program. This additional Program Supplement will allow the City to claim reimbursement of the Fiscal Year 2009/10 costs incurred for the design of the Transit Center Expansion project and the Bus Maintenance Facility Expansion project, approved by the City Council on February 2, 2010. As presented in the February 2 agenda item, since these projects will be needed for future transit growth, TCAG granted its approval to use Measure R funds for the design of these projects, which funds were accumulated on behalf of the City of Porterville prior to the City being included in the transit operating allocations through Measure R. There are sufficient funds available to cover the design costs for the projects without impacting our regular Measure R funds for yearly allocations for transit operating expenses. (The cover sheet of the February 2nd agenda item is attached for reference.)

Staff has prepared the attached Program Supplement and Attachment “A” to obtain reimbursement for the design costs associated with the two Transit expansion projects.

RECOMMENDATION: That the City Council:

1. Approve the attached Resolution in support of the Program Supplement to Cooperative Agreement for the reimbursement of design costs associated with the Transit Center Expansion project and the Bus Maintenance Facility Expansion project;

2. Authorize the Mayor and City Clerk to execute the Program Supplement; and

3. Authorize staff to forward the executed Program Supplement to TCAG for approval and execution.

Dir. Appropriated/Funded CM Item No. 12
ATTACHMENTS:

1. Program Supplement to Cooperative Agreement, with Exhibit “A” attached;

2. Resolution of Approval;

MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT

This Program Supplement is made and entered into on ____________, by and between the CITY OF PORTERVILLE, (Sponsor), and the TULARE COUNTY ASSOCIATION OF GOVERNMENTS, acting as the Local Transportation Authority (Authority).

The Program Supplement hereby incorporates the “Measure R Cooperative Agreement” for Measure R Expenditures which was entered into between the Sponsor and the Authority on May 29, 2007, and is subject to all terms and conditions thereof. This Program supplement is executed under authority of Resolution No. _____, approved by the Sponsor on April 6, 2010. (See copy attached)

Project Scope, Costs, and Schedule are incorporated herein as Attachment “A” and agreed upon by Sponsor and Authority.

Covenants of Sponsor

1.1 SPONSOR agrees that it will only proceed with work authorized for specific phase(s) with a written “Authorization to Proceed” or Authority action and will not proceed with future phase(s) of this project(s) prior to receiving a written “Authorization to Proceed” or Authority action.

1.2 The SPONSOR will advertise, award, and administer the project(s) in accordance with SPONSOR standards.

1.3 Award information shall be submitted by the SPONSOR to the AUTHORITY within 60 days after the project contract award.

1.4 Failure to submit award information in accordance with section 1.3 will cause a delay (without interest or penalties) in AUTHORITY processing invoices for the construction phase.

1.5 If no costs have been invoiced for a six-month period, SPONSOR agrees to submit for each phase a written explanation of the absence of project(s) activity along with target billing date and billing amount.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.
COUNTY OF TULARE TRANSPORTATION AUTHORITY

By: ________________________________

Authority Director

CITY OF PORTERVILLE

By: ________________________________

Pete V. McCracken
Mayor

ATTEST:

By: ________________________________

John D. Lollis
City Clerk
ATTACHMENT “A”
PROJECT SCOPE, COSTS AND SCHEDULE
REIMBURSEMENT FOR PORTERVILLE TRANSIT – FY 2009/10

Description:

When the potential for ARRA II funding was a possibility, TCAG encouraged the entities to develop projects for the upcoming funding. Since Transit doesn’t ordinarily have funds available for design work, the City of Porterville sought TCAG’s approval to use up to $140,000 in reserve Measure R funds available to the City of Porterville separate and apart from its annual $100,000 for transit expansion-related operations.

TCAG approved the use of the reserve Measure R funds for the design of the Transit Center Expansion project and the Bus Maintenance Facility Expansion project.

The Porterville City Council approved the award of the design for these projects on February 2, 2010. The design costs were designated as follows:

Transit Center Expansion $75,400
Bus Maintenance Facility Expansion $54,200
Total $129,600
(Plus a 10% contingency to cover unforeseen costs)

Costs incurred to date include:

Transit Center Expansion $44,157.48
Bus Maintenance Facility Expansion $31,832.50
Total Incurred as of March 31, 2010 $75,989.98

Total Costs to be Reimbursed through March 31, 2010 $ 75,989.98

The balance of the approved design costs, and any related contingency costs, will be forwarded for reimbursement, with said total to remain at or below the $140,000 currently in reserve for the City of Porterville.
RESOLUTION NO. _____-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AFFIRMING AND APPROVING THE SUPPORT OF THE CITY COUNCIL FOR THE MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT FOR THE CITY OF PORTERVILLE TRANSIT PROGRAM

WHEREAS, the City of Porterville Transit program is eligible to receive reimbursement of costs related to the design of the Transit Center Expansion project and the Bus Maintenance Facility Expansion project, which meet the Measure R guidelines of transit expansion; and

WHEREAS, the Tulare County Association of Governments (TCAG) is requesting that the City of Porterville approve and submit a Program Supplement to Cooperative Agreement that will allow the City to receive reimbursement of the design costs incurred in Fiscal Year 2009/10;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby affirm and approve the support of the Measure R Program Supplement to Cooperative Agreement for the City of Porterville Transit program, and authorizes the Mayor and City Clerk to execute the Program Supplement, and any other related documents as may be required.

______________________________
Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Luisa Herrera, Deputy City Clerk
COUNCIL AGENDA: FEBRUARY 2, 2010

SUBJECT: AMENDMENT TO CONSULTANT SERVICES AGREEMENT OF TPG CONSULTING, INC.

SOURCE: Administration (Transit)

COMMENT: TPG Consulting, Inc., is under contract with the City to perform all work required of a transportation consultant on an on-going and as-needed basis in connection with administering Section 5307 funds for transit-related projects and general required submissions.

Staff attended an informational meeting at the Tulare County Association of Governments (TCAG) on Thursday, January 21, 2010, regarding the possibility of additional ARRA funds being allocated in the spring of 2010. Instructions were to provide a list of projects that could be awarded within a 90-day time frame, if called upon to do so. Staff is not convinced that Section 5307 transit funding recipients will be required to meet this 90-day time frame; however, in order to be prepared and have the ability to apply for the funds and meet the deadlines, we are proposing an amendment to the Consultant Services Agreement of TPG Consulting, Inc.

The two transit projects being proposed, which will be presented in greater detail after the design phase, consist of (1) an expansion of the Bus Maintenance Facility project at the City Yard, which would provide for additional pavement for bus storage and circulation, two new bus canopies for storage of the buses, and the extension of the compressed natural gas lines for future installation of time-fill fueling units; and (2) street improvements, bus way, passenger concourse and reconfiguration of sidewalk adjacent to the City parking lot to the east of the Transit Center to accommodate a planned expansion of the Porterville Transit Center.

Both of these projects will be needed for future transit growth; and in the case of the Transit Center Expansion, the impacts are being felt now with Regional and Tur America bus lines creating safety issues when their time schedules are not being met, causing both buses to arrive concurrently and backing into a portion of the D Street right-of-way. Additional bus bays are needed and will be satisfied through this planned expansion.

DD _____ Appropriated/Funded _____ CM _____

Item No. _____
In order to meet the 90-day time frame of awarding contracts on these two projects, the design phase must begin immediately. TPG Consulting, Inc., is uniquely qualified to prepare the design for both of these projects. They were the agency awarded the contract for the original Singer Pedestrian Mall Project, as well as the CNG Fueling Station/Bus Maintenance Facility Project. A large majority of the information needed to create the design of these proposed projects has already been provided from previous work completed, and time will be expedited greatly through this amendment.

Additionally, staff has received approval from TCAG to use Measure R funds for the design of these projects, which funds were accumulated on behalf of the City of Porterville prior to the City being included in the transit operating allocations through Measure R. There are sufficient funds available to cover the design costs for both projects, without impacting our regular Measure R funds for yearly allocations for transit operating expenses.

Attached for Council’s review is an amendment proposal fee (Addendum No. 1) of $54,200 for the Bus Maintenance Facility Expansion project, and $75,400 for the Transit Center Expansion project. Please note that both of these design cost proposals include preparation of plans, specifications and bid documents for easy transition into the Request for Proposals portion of the actual award of contract, which will also greatly assist the City in meeting the 90-day timeframe.

RECOMMENDATION: That City Council:

1. Authorize the Mayor to execute an Addendum No. 1 to the Consultant Services Agreement for TPG Consulting, Inc., at an agreed fee not to exceed a total of $129,600 for both projects; and

2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

ATTACHMENTS: TPG Consulting, Inc. Proposals and Locator Maps
Addendum No. 1 – Design of Bus Maintenance Facility Expansion and Transit Center Expansion
SUBJECT: AIRPORT LEASE RENEWAL – LOT 38

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Roy and Carol Cundiff are the current leaseholders of Lot 38 at the Porterville Municipal Airport. The lease will expire on June 30, 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. & Mrs. Cundiff dated March 26, 2010, asking to continue the lease on Lot 38. 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 Roy and Carol Cundiff of Long Beach, CA, for Lot 38 at the Porterville Municipal Airport.

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

D.D. Appropriated/Funded C.M. Item No. 13
March 1, 2010

Re: Airport Lease Renewal

Dear Mr. & Mrs. Cundiff:

Your Lease Agreement for Lot 38 at Porterville Municipal Airport will expire on June 30, 2010. The lease terms provide for an option to extend the lease for another five years, provided we receive a written request from you indicating your desire to exercise your option. If it is your intent, please send me a letter to that effect as soon as possible so that I may obtain the approval of the Porterville City Council at a regularly scheduled meeting.

If you have any questions, please don't hesitate to contact me.

Very truly yours,

Susan Hartman
Purchasing Agent
Airport Contracts Admin.

cc: Jim McDonald, Airport Operations Mgr.

March 26, 2010

Dear Susan,

Yes we would like to renew our lease on Lot 38, KPTV.

Thank you, Roy Cundiff Carol Cundiff

March 26 2010
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of June 20, 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 Barbara Dillard 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 38 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 July 1, 2000, both parties having executed the same, and shall terminate on June 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: APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT, THE PORTERVILLE ROTARY CLUB AND BURTON SCHOOL DISTRICT
PORTERVILLE CELEBRATES READING ON APRIL 24, 2010

SOURCE: Finance Department

COMMENT: Porterville Unified School District, Porterville Rotary Club and Burton School District, is requesting approval for a partial street closure in conjunction with its Community Civic Event, Porterville Celebrates Reading, to be held on Saturday, April 24, 2010, from 9:00 a.m. to 3:00 p.m. at the Porterville Fairgrounds. The closure is intended to accommodate a pedestrian crossing corridor on Olive Avenue from the fair gates on the north side of the street to the parking lot on the south side of the street. Street closures requires Council's approval, however, staff feels that the event will not warrant closure, only sponsor-controlled pedestrian crossing using barricades and signs to warn motorists of the event crossing.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement and Exhibit 'A.'

RECOMMENDATION:

1. The Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in Application, Agreement And Exhibit ‘A,’ without closing Olive Avenue; and

2. That Council approve the use of the parking lot on the South side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing.

ATTACHMENT: Community Civic Application, Agreement, Request for Street Closure, Exhibit ‘A,’ and Map.

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

Application date: 3/9/10  Event date: 4/24/10
3/15/10  Event time: 9:00 AM - 3:00 PM

Name of Event: Porterville Celebrates Reading

Sponsoring organization: Porterville Unified Schools PHONE # 792-2456
Address: 600 West Grand Avenue, Porterville

Authorized representative: Gary Ingraham PHONE # 793-2451
Address: 600 West Grand Avenue, Porterville

Event chairperson: Sue Qualseth PHONE # 782-7270

Location of event (location map must be attached): Porterville Fairgrounds

Type of event: Youth and Family Literacy

Nonprofit status determination: Educational Institution

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

Barricades (quantity): Street sweeping Yes No 
Police protection Yes No Refuse pickup Yes No
Other: Traffic: Delineators (12 ea) Cones (30 ea) borrowed from field services. Picked up and returned to COP Corporate Yard

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

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

Approve  Deny

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

3/10/10 Left message for Sue Qualseth.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

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

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

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

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

Authorized Representative Initials

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

Authorized Representative Initials

Health permit: Organization/Applicant will **obtain or ensure** that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559-733-6441, or fax information to, 559-733-6932.

Authorized Representative Initials

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

Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Celebrates Reading and Porterville Unified

(Name of Organization)  

(Signature)  

(Date)
Name of event: **Porterville Celebrates Reading**

Sponsoring organization: **Porterville Schools, et. al.**

Location: **Porterville Fairgrounds** Event date: **4/24/10** Event time: **9 AM-3 PM**

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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<tr>
<td>NO VENDORS</td>
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CITY OF PORTERVILLE

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

Name of event: Porterville Celebrates Reading

Sponsoring organization: Porterville Unified Schools, et. al.

Event date: April 24, 2010

Hours: 10 AM - 2 PM Event

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
<tr>
<td>Olive Street</td>
<td>Fairgrounds frontage only</td>
<td>Cones between lanes to slow traffic and allow for pedestrian crossing.</td>
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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Fairgrounds</td>
<td>Parking lots North and South of Olive used for event parking.</td>
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</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE
PORTERVILLE CELEBRATES READING
APRIL 24, 2010

Business License Supervisor: S. Hartman

Business License has no requirements.

Public Works Director: B. Rodriguez

Community Development Director: B. Dunlap

Field Services Manager: B. Styles

Picked up cones at 555 N. Prospect St.

Chief of Fire Operations: M. G. Garcia

No comment.

Parks and Leisure Services Director: J. Perrine

Police Captain: S. Rodriguez

The Police Department has no special conditions or requirements for this event. As in past years, we do not recommend a street closure for this event, however, there should be some effort by event organizers to assist attendees in crossing Olive Ave. to and from the parking lot south of the fairgrounds.

Administrative Services Manager: P. Hildreth

See attached Exhibit 'A,' page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Unified School District, Porterville Rotary Club and Burton School District
Event: Porterville Celebrates Reading
Event Chairman: Sue Qualseth
Location: Porterville Fairgrounds
Date of Event: April 24, 2010
Time of Event: 9:00 a.m. to 3:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

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

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

EXHIBIT “A,” Page 2
**ACORD CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
LOCKTON COMPANIES, LLC - K CHICAGO
525 W. Monroe, Suite 600
CHICAGO IL 60651
(312) 669-6900

**INSURED**
All Active US Rotary Clubs & Districts
Attn: Risk Management Department
1560 Sherman Ave.
Evanston IL 60201-3698

**DATE (MM/DD/YYYY)**
03/25/2010

**INSURERS AFFORDING COVERAGE**

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<td>ACR American Insurance Company</td>
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<td>20699</td>
<td>ACR Property &amp; Casualty Insurance Co</td>
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<td>ACR Property &amp; Casualty Insurance Co</td>
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**COVERAGES**

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

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

The Certificate Holder is included as Additional Insured where required by written contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

**CERTIFICATE HOLDER**

City of Porterville
291 N. Main Street
Porterville CA 93257

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

Authorized Representative: [Signature]

© ACORD CORPORATION 1988
COUNCIL AGENDA: APRIL 6, 2010

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICANA-AMERICANA, INC.
CINCO DE MAYO FESTIVITIES
April 29, 2010 to May 2, 2010

SOURCE: Finance Department

COMMENT: The Comision Honorifica Mexicana-Americana, Inc. is requesting approval to hold its annual Cinco de Mayo festivities from April 29, 2010 to May 2, 2010.

A brief schedule of events is as follows:

Thursday, April 29, 2010:
Prepare and set up for festival events at various locations.

Friday, April 30, 2010:
Day of the Child at Granite High School.
Coronation Pageant at CHMA Community Center.

Saturday, May 1, 2010:
Annual parade on Main Street followed with festivities and Car Show at the Municipal Ballpark. A Founder's Dinner will be held at the Community Center.

Sunday, May 2, 2010:
Continued festivities at the Municipal Ballpark with live entertainment.

The following street and sidewalk closures are requested for the parade:

PARADE ROUTE: Main Street from Morton Avenue to Vine Avenue.

PARADE LINEUP:
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Hockett Street to Second Street; and
Cleveland Avenue from Hockett Street to Second Street.

PARADE DISBURSEMENT: Olive Avenue from Hockett Street to Third Street; Putnam Avenue from Hockett Street to Second Street.

PARADE VIEWING:
Garden Avenue from Main Street to Second Street
Mill Avenue from Division Street to Second Street
Oak Avenue from Division Street to Second Street
Cleveland Avenue from Main Street to Second Street
SIDEWALKS: Main Street from Putnam Avenue to Olive Avenue, both sides.

No street closure has been requested for Olive Avenue between 'A' Street and Plano Street for the fiesta; however staff is recommending that Council give the authority to the Chief of Police, or his designated representative, to close the street if the volume of pedestrian and vehicular traffic warrants closure for reasons of public safety.

The application has been submitted under the Community Civic Event Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all the departments involved. The requirements are listed on the attached copy of the Application, Agreement and Exhibit 'A.'

RECOMMENDATION: That the Council approves:

1. The Community Civic Event Application and Agreement from the Comision Honorífica Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit ‘A,’ and

2. Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns.

ATTACHMENT: Community Civic Event Application, Agreement, Street Closure Request, Vendor List, Exhibit 'A,' Map, Outside Amplifier Permit, and Exhibit 'B,' and Certificates of Liability Insurance.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 2/16/2010        Event date: 4-29-10 to 5-2-10
Event time:

Name of Event: Cinco de Mayo Festivities

Sponsoring organization: Comision Honorifica PHONE # 333-4200
Address: P.O. Box 2043 Porterville, Ca. 93257
Authorized representative: Fred Bettran PHONE # 333-4200
Address: 24737 Ave 80 Terra Bella CA. 93270
Event chairperson: Fred Bettran PHONE # 333-4200

Location of event (location map must be attached): Municipal Ballpark, Main St.

Type of event: Parade, Fiesta, and associated activities

Nonprofit status determination: 501(c)(3)

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

Barricades (quantity): Parade            Street sweeping Yes    No
Police protection Yes  No            Refuse pickup Yes  No
Other: ________________________________

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

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

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

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

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

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

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559-733-6441, or fax information to, 559-733-6932.

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

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

(Name of Organization)  [Signature]  2/16/2010
CITY OF PORTERVILLE

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

Name of event: **Cinco de Mayo Parade**

Sponsoring organization: **Comision Honorifica Mex. Am.**

Event date: **5/1/10**  
Hours: **10:00 AM to Noon**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main St</td>
<td>Morton</td>
<td>Vine</td>
<td>Parade</td>
</tr>
<tr>
<td>Harrison</td>
<td>Hockett</td>
<td>Second</td>
<td>Line up</td>
</tr>
<tr>
<td>Thurman</td>
<td>Hockett</td>
<td>Second</td>
<td>Line up</td>
</tr>
<tr>
<td>Cleveland</td>
<td>Hockett</td>
<td>Second</td>
<td>Line up</td>
</tr>
<tr>
<td>Vietnam</td>
<td>Hockett</td>
<td>Second</td>
<td>Parade (view)</td>
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<tr>
<td>Mill</td>
<td>Division</td>
<td>Second</td>
<td>Parade (view)</td>
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<tr>
<td>Oak</td>
<td>Division</td>
<td>Second</td>
<td>Parade (view)</td>
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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tr>
<td>Garden</td>
<td>MAIN</td>
<td>SECOND</td>
<td>Parade (view)</td>
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<tr>
<td>OLIVE</td>
<td>THIRD</td>
<td>HOCKETT</td>
<td>Parade</td>
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</table>

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<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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CITY OF PORTERVILLE

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

Name of event: *Cinco de Mayo Festivities*

Sponsoring organization: *Comision Honorifica Mex. Am. Inc.*

Location: *Municipal Ballpark/Main St*  
Event date:  
Event time: 

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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</thead>
<tbody>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT
COMISION HONORIFICA MEXICANA-AMERICANA, INC.
CINCO DE MAYO FESTIVITIES
APRIL 29, 2010 - MAY 2, 2010

Business License Supervisor:  
S. Hartman  
Business License Division requires vendor list prior to event.

Public Works Director:  
B. Rodriguez  
No comment.

Community Development Director:  
B. Dunlap  
No comment.

Field Services Manager:  
B. Styles  
City sponsored Parade. City will place barricades for road closures and do cleanup afterwards.

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

Director of Parks & Leisure Services:  
J. Perrine  
No comments.

Police Captain:  
S. Rodriguez  
Please see proposed conditions/requirements on Exhibit ‘B.’

Administrative Services Manager:  
P. Hildreth  
See attached Exhibit ‘A,’ page 2

EXHIBIT ‘A,’ Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Comision Honorifica Mexicana-Americana, Inc.
Event: Cinco de Mayo Festivities
Event Chairman: Fred Beltran
Location: Parade - Main Street from Morton Avenue to Olive Avenue including the closure of select cross-streets and parallel streets.
Date of Event: April 29, 2010 to May 2, 2010.

RISK MANAGEMENT: Conditions of Approval

1. The use of sidewalks for any purpose other than to allow for the free-flow of pedestrian traffic is prohibited within a ten (10) ft. radius of all walk-up Automated Teller Machines (ATM), and the minimum clear sidewalk width for pedestrian traffic at all other locations is five (5) feet.

2. That the Comision Honorifica Mexicana-Americana, Inc., provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event; and a Certificate of Liquor Liability Insurance evidencing coverage of not less than $1,000,000 per occurrence and naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation of a beer garden. The City of Porterville has obtained supplemental special event liability coverage of $1,000,000 for historical parades.

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

a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the
operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: C.H.M.A. (Fred Betran)
24757 AVE 80 TEA LA BELLA CA. 93215 333-4200

2 Address where amplification equipment is to be used: MAIN ST AND MUNICIPAL BALLPARK

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

4 Type of event for which amplification equipment will be used: Cinco de Mayo Fiesta (outdoor)

5 Dates and hours of operation of amplification equipment:
   5/1/10 10:00 AM to noon
   5/2/10 12:00 PM to 10:00 PM

6 A general description of the sound amplifying equipment to be used: amplifier and mixer board

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

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one
hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section.

(Ord. Code § 6311)

Section 18-14    It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected
any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to
amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or
or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing
therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed
objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the
revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2)    Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more
than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Date

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

Signature of Applicant

City of Porterville, Chief of Police/Designee

Date
CITY OF PORTERVILLE
Community Civic Event Application

CINCO DE MAYO PARADE & FESTIVITIES- May 1 & 2, 2010

Proposed Conditions/Requirements for Cinco de Mayo Celebration

➤ City Council approval is required for all street closures.

➤ Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➤ Cinco de Mayo Planning Committee should meet with street vendors to coordinate rules regarding their activities, such as:
  ▪ Staying off the parade route and crossing in front of floats or groups
  ▪ Shall not sell silly string, snap caps or party poppers (pursuant to City Ordinance)

➤ Food vendors should be situated where they minimally block the sidewalk.

➤ Throwing candy from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.

➤ If organizers elect to conduct alcohol sales at the fiesta, a Beer Garden shall be erected, and alcohol may only be sold and consumed within the beer garden. A minimum of two (2) security guards shall be assigned to control the Beer Garden. No persons under the age of 21 shall be allowed to enter the beer garden and no alcohol shall be allowed to leave the beer garden. Additionally, at least two (2) security guards should be hired to provide security, crowd control and other safety tasks at this event.

➤ An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of the neighborhoods surrounding the area.

➤ Amplified music shall not continue after 10:00 p.m.

Silver Rodriguez, Captain
Porterville Police Department
(559) 782-7403

EXHIBIT B
# Certificate of Liability Insurance

**Producer:** UVIS/ Turner & Associates  
**Address:** P.O. Box 757, Lindsay, CA 93247  
**Phone:** 559-562-2527  
**Fax:** 559-562-2273

**Insures:** Commision Honificas, Mexicana-Americanas, Inc  
**Address:** P.O. Box 2043, Porterville, CA 93250

## Coverages

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

<table>
<thead>
<tr>
<th>Policy Number</th>
<th>Policy Effective Date</th>
<th>Policy Expiration Date</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-10594-NPO</td>
<td>02/22/10</td>
<td>02/22/11</td>
<td>EACH OCCURRENCE</td>
</tr>
<tr>
<td>2010-10594-NPO</td>
<td>02/22/10</td>
<td>02/22/11</td>
<td>PREMISES (Ex occurrence)</td>
</tr>
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<td></td>
<td>MED EXP (Any one person)</td>
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<td>PERSONAL &amp; ADV INJURY</td>
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<td>GENERAL AGGREGATE</td>
</tr>
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<td></td>
<td>PRODUCTS - COMM &amp; AGRG</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Liquor</td>
</tr>
</tbody>
</table>

## Automobile Liability
- Any Auto
- All Owned Autos
- Scheduled Autos
- Hired Autos
- Non-Owned Autos

## General Liability
- Commercial General Liability
- Liquor Liability
- General Aggregate Limits Apply Per Policy

## Umbrella Liability
- Excess Umbrella Liability
- Occur
- Claims Made

## Description of Operations / Locations / Vehicles / Exclusions Added by Endorsement / Special Provisions
As respects Cinco de Mayo celebration held April 30, May 1 and May, 2010. Certificate Holder is named as Additional Insured per endorsement attached.

## Certificate Holder
City of Porterville  
291 No. Main St.  
Porterville CA 93257

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

**Authorized Representative:** Anita  
**House account:**

**ACORD 25 (2006/01) FAX 784-4569**

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# Certificate of Liability Insurance

**Producer:**

**UVIS/ Turner & Associates**  
F.O. Box 750  
Lindsey CA 93247  
Phone: 559-562-2527  
Fax: 559-562-2273

**Insurers Affording Coverage:**

- Insurer A: Nonprofit Insurance Alliance  
- Insurer B:  
- Insurer C:  
- Insurer D:  
- Insurer E:  

**Coverages:**

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

<table>
<thead>
<tr>
<th>PRODUCT (STK)</th>
<th>INSURED</th>
<th>TYPE OF INSURANCE</th>
<th>INSURER</th>
<th>LIABILITY</th>
<th>GENERAL LIABILITY</th>
<th>AUTO LIABILITY</th>
<th>PROPERTY LIABILITY</th>
<th>UMBRELLA LIABILITY</th>
</tr>
</thead>
</table>
| 2010-10594-NPO | Comision Honorifica Mexicana-Americana, Inc  
291 No. Main St.  
Porterville CA 93258 | COMMERCIAL GENERAL LIABILITY  
CLAIMS MADE  
OCCUR | Insurer A: Nonprofit Insurance Alliance | EACH OCCURRENCE | $1,000,000 | LIMITS TO PROPERTY HAZARDS (PAINTED) | $2,000,000 | LIMITS TO PROPERTY HAZARDS (PAINTED) | $2,000,000 |
| 2010-10594-NPO | | LICOR LIABILITY | Insurer A: Nonprofit Insurance Alliance | EACH OCCURRENCE | $100,000 | LIMITS TO PROPERTY HAZARDS (PAINTED) | $10,000 | LIMITS TO PROPERTY HAZARDS (PAINTED) | $10,000 |

**Description of Operations/Locations/Vehicles:**

As respects Cinco de Mayo celebration held April 30, May 1 and May 2, 2010. Certificate Holder is named as Additional Insured per endorsement attached.

**Certificate Holder:**

The Porterville Redevelopment Agency  
291 No. Main St.  
Porterville CA 93258

**Cancellation:**

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

**Authorized Representative:**

House account

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POLICY NUMBER: COMERCIAL GENERAL LIABILITY
CG 20 11 01 96

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – MANAGERS OR LESSORS OF
PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
SCHEDULE

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

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

Any person or organization acting as a manager or lessor of a covered premises that you are
required to name as an additional insured on this policy, under a written contract, lease or
agreement currently in effect, or becoming effective during the term of this policy, and for
which a certificate of insurance naming that person or organization as additional insured has
been issued.

3. Additional Premium: INCLUDED

(if no entry appears above, the information required to complete this endorsement will be shown in the Declara-
tions as applicable to this endorsement.)

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

This insurance does not apply to:
1. Any “occurrence” which takes place after you cease to be a tenant in that premises.

2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or
organization shown in the Schedule.
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
ROLLIN' RELICS CAR CLUB
ROLLIN' RELICS CAR SHOW – MAY 1, 2010

SOURCE: Finance Department

COMMENT: Rollin' Relics Car Club is requesting approval to hold a car show on Saturday, May 1, 2010, from 9:00 a.m. to 3:00 p.m., in the northern section of Veterans Park. The Club is asking for the ability to park cars on the grassy area between the playground at Newcomb Street and Henderson Avenue.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Rollin' Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit 'A.'

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit 'A,' Vendor List, Parking Lot Closure, Map, Outside Amplifier Permit; and Certificate of Liability Insurance.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 3-11-10  Event date: 5-1-10
Event time: 9AM - 3PM

Name of Event: Rollin Relics Car Show

Sponsoring organization: Rollin Relics Car Club  PHONE # 781-0725
Address: 1221 N Main St. #7 Porter

Authorized representative: Don Brader  PHONE # 781-2612
Address: 588 Brandly Way Porterville

Event chairperson: Don Howard  PHONE # 781-0725
1221 N Main St. #7 Porterville

Location of event (location map must be attached):
Veterans Park - Henderson & Newcomb

Type of event: Car Show

Nonprofit status determination: Non-Profit

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

Barricades (quantity): 0  Street sweeping Yes  No
Police protection  Yes  No  Refuse pickup Yes  No
Other: ________________________________

Parks facility application required: Yes  No  Attached on file in Parks
Assembly permit required: Yes  No  Attached

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

Approve  Deny

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

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

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

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

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

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

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559-733-6441, or fax information to, 559-733-6932.

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

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

Rollin Relics Car Club

(Name of Organization)

Jim Lade

(Signature)

3/11/10

(Date)
CITY OF PORTERVILLE

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

Name of event: Rollin Relics Car Show

Sponsoring organization: Rollin Relics Car Club

Location: Veterans Park Event date: 5/1/10 Event time: 9:00 AM

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required</th>
<th>Type of Activity</th>
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<tbody>
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3 of 4
CITY OF PORTERVILLE

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

Name of event: Rollin Relics Car Show

Sponsoring organization: Rollin Relics Car Club

Event date: May 1, 2010  Hours: 9:00 AM - 3:00 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
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</tbody>
</table>

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<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

ROLLIN' RELICS CAR CLUB

ROLLIN' RELICS CAR SHOW

MAY 1, 2010

Business License Supervisor:  
S. Hartman

Business License will require vendor list, if applicable, prior to event.

Public Works Director:  
B. Rodriguez

Please provide general clean up after the event.

Community Development Director:  
B. Dunlap

No comment.

Field Services Manager:  
B. Styles

No comments.

Chief of Fire Operations:  
Mario G. Garcia

No comment.

Parks and Leisure Services Director:  
J. Perrine

Maintain pedestrian pathway clearance, applicant to assist with litter cleanup. Picnic pavilion reservations already in place.

Police Captain:  
S. Rodriguez

The Police Department has no conditions/requirements for this event.

Administrative Services Manager:  
P. Hildreth

See attached exhibit 'A,' page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Rollin’ Relics Car Club
Event: Rollin’ Relics Car Show
Event Chairman: Don Howard
Location: Veterans’ Park
Date of Event: May 1, 2010

RISK MANAGEMENT: Conditions of Approval

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

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

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

1. Name and home address of the applicant:

   Rollin Relics Car Club Phone # 781-0725
   1221 N Main St #1 Porterville

2. Address where amplification equipment is to be used:

   Veterans Park Phone #

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

   Don Bidner
   555 Brandy Way Porterville

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

   Car Show

5. Dates and hours of operation of amplification equipment:

   9:00 AM - 3:00 PM

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

   Sound System with Two Speakers
I hereby certify that all statements and answers on this registration form are true and correct.

Signed: 
Applicant 

3/11/10 
Date 

SILVER RODRIGUEZ/CAPTAIN
Chief of Police 

MARCH 18, 2010 
Date 

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

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

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

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

cc: 

123 Main Street 

456 Oak Road 

3/27/01
CERTIFICATE OF LIABILITY INSURANCE

PRODUCER: Hagerty Insurance Agency, Inc.
141 Rivers Edge Dr
Traverse City, MI 49684

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

INSURERS AFFORDING COVERAGE:

<table>
<thead>
<tr>
<th>INSURER</th>
<th>NAIC #</th>
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<tbody>
<tr>
<td>A</td>
<td>Employers Fire Insurance Company</td>
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<td>B</td>
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<td>C</td>
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<td>D</td>
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INSURED:

Rollin' Relics
C/O Don Bader
555 Brandy Way
Porterville, CA 93257

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY
REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN,
THE INSURANCE AFFORRED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.
AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

<table>
<thead>
<tr>
<th>INSR.</th>
<th>ADD'L</th>
<th>INSURD</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
<th>LIMITS</th>
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<tr>
<td>A</td>
<td></td>
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<td>GENERAL LIABILITY</td>
<td>GL01622</td>
<td>3/13/2010</td>
<td>3/13/2011</td>
<td>EACH OCCURRENCE $1,000,000</td>
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<td>COMMERCIAL GENERAL LIABILITY</td>
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<td></td>
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<td>DAMAGE TO RENTED PREMISES (Ea occurrence) $100,000</td>
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<td>MED EXP (Any one person) $10,000</td>
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<td>PERSONAL &amp; ADJURY INJURY</td>
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<td>GENERAL AGGREGATE $2,000,000</td>
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<td>PRODUCTS -- COMPROP AGG $1,000,000</td>
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</tbody>
</table>

| A     |       |        | AUTOMOBILE LIABILITY |               |                                    |                                | COMBINED SINGLE LIMIT (Ea accident) $ |
|       |       |        | ANY AUTO |               |                                    |                                | BODILY INJURY (Per person) $ |
|       |       |        | ALL OWNED AUTOS |               |                                    |                                | BODILY INJURY (Per accident) $ |
|       |       |        | SCHEDULED AUTOS |               |                                    |                                | PROPERTY DAMAGE (Per accident) $ |
|       |       |        | HIRED AUTOS |               |                                    |                                | |
|       |       |        | NON-OWNED AUTOS |               |                                    |                                | $ |

| A     |       |        | GARAGE LIABILITY | AUTO ONLY -- EA ACCIDENT $ |
|       |       |        | ANY AUTO |                                    |                                |       |
|       |       |        | EXCESSUMBERELLIA LIABILITY | AUTO ONLY: AGG $ |
|       |       |        | OCCUR | CLAIMS MADE |
|       |       |        | DEDUCTIBLE |                                    |                                |       |
|       |       |        | RETENTION |                                    |                                |       |

WORKERS COMPENSATION AND
EMPLOYERS' LIABILITY

| INSURER |        |        |        |        |                                    |                                |       |
|---------|--------|--------|--------|--------|------------------------------------|                                |       |
| A       | ANY PROPRIETOR/OWNER/EXECUTIVE, OFFICERS MEMBERS EXCLUDED? | (Mandatory in RI) |
|         | If yes, describe under Special Provisions below |

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<tr>
<th>INSURER</th>
<th>WC STATUTORY LIMITS</th>
<th>OTHER</th>
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<tbody>
<tr>
<td>A</td>
<td>E.L. EACH ACCIDENT</td>
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<td>E.L. DISEASE -- EA EMPLOYEE $</td>
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<td>E.L. DISEASE -- POLICY LIMIT $</td>
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</tbody>
</table>

OTHER

ADDITIONAL INSURED-STATE OR POLITICAL SUBDIVISIONS-PERMITS

| INSURER |        |        |        |        |                                    |                                |       |
|---------|--------|--------|--------|--------|------------------------------------|                                |       |
| A       |        |        |        |        |                                    |                                |       |

DESCRIPTION OF OPERATIONS/Locations/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Effective 03/03/2010 include as additional insured: Certificate Holder (CG2012) but only with respects to the named insured's actions and / or negligence with regards to the Rollin' Relics Car Show to be held at Veteran's Park on 06/01/2010.

CERTIFICATE HOLDER

City of Porterville
291 North Main Street
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

©1988-2009 ACORD CORPORATION. All rights reserved.
SUBJECT: AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN

SOURCE: ADMINISTRATIVE SERVICES/ HUMAN RESOURCES

COMMENT: City representatives have recently concluded Meet and Confer Sessions on matters within the scope of the Meyers-Milias-Brown Act with the Porterville Police Officers’ Association (PPOA), representing the Police Series Employees, and a written Memorandum of Understanding (M.O.U.) has been executed with representatives of the PPOA covering matters pertaining to overtime, educational incentive, homebuyer’s assistance program and CalPERS Fourth Level Survivor benefits.

City Council acceptance and approval of an executed M.O.U. is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the M.O.U.

RECOMMENDATION: That the City Council:
1. Approve the draft resolution amending the Employee Pay and Benefit Plan;
2. Approve the draft ordinance authorizing an amendment to the contract between the Board of Administration of the California Public Employees’ Retirement System, give first reading by title only and order the ordinance to print;
3. Approve the draft resolution amending the contract between the Board of Administration of the California Public Employees’ Retirement System and the City; and
4. Authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Attachment: 1) Draft Resolution (MOU)  
2) Draft Resolution (PERS)  
3) Draft Enabling Ordinance  
4) Fourth Level of 1959 Survivor Benefits Section 21574

Item No. 17

Dr. Appropriated/ Funded CM
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City’s affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same and;

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Porterville Police Officers’ Association for the period from July 1, 2009, until June 30, 2011, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. OVERTIME/COMPENSATORY TIME

Effective 01-01-10, the Employee Pay and Benefit Plan, Section II, C., Overtime, shall be amended to wit:

2. Overtime worked by personnel with the Designation “2”, “3”, and Sworn Police Employees with the designation “4” (see pay plan) shall be compensated at 1½ times their regular rate of pay for such time worked, and/or on paid leave, in the excess of the forty (40) hour work week, except Sworn Fire Employees with the designation “4”.

Page 1 of 4

ATTACHMENT NO. 1
Police Series:
Employees designated to the Police Series may choose to receive overtime compensation for that pay-period or bank the overtime hours to cash out at a later date, or use for compensatory time.

a. Overtime: Overtime hours worked will be compensated at 1 ½ times the regular rate of pay, unless immediately after working overtime, the employee designates that their hours be banked. Employees shall not bank more than sixty hours per fiscal year (equivalent to 40 overtime hours worked).
b. Overtime Cash Out: Subject to the Department Head’s approval, employees may cash out their banked overtime hours twice per fiscal year (dates designated by Department Head). Employees shall be compensated at their current rate of pay at the time of cash out. Without prior notice, the Department Head can temporarily suspend overtime cash-outs.
c. Compensatory Time: With approval from Department Head or Supervisor and subject to staffing requirements and operational priorities, employees may request compensatory time off in lieu of cash payment for overtime hours worked. Compensation time accrues at the same rate as overtime (1 ½ hours per hour of overtime worked).
d. Overtime cash out and compensatory time usage is subject to an annual evaluation by the Department Head.
e. Upon termination, all accumulated compensatory time off will be paid to employee at his/her current rate.

II. EDUCATIONAL INCENTIVE
Effective 01-01-10, the Employee Pay and Benefit Plan, Section II., J., (numbers 1 and 2) Educational Incentive, shall be amended as follows:

Intermediate Certificate: 2.5% of base pay
Associate’s Degree: 2.5% of base pay
Advanced Certificate: 2.5% of base pay
Bachelor’s Degree: 2.5% of base pay
Master’s Degree: 2.5% of base pay

The additional compensation for the Associate’s, Bachelor’s and Master’s degrees will be allowed provided the officer has a 2.0 grade point average. No tuition, books or other education costs will be paid for classes taken to attain the educational incentive compensation other than for the pursuit of a Bachelor’s or Master’s degree. Police Officers eligible for the Bachelor’s Degree incentive pay of 2.5% shall also be eligible to receive 2.5% for an Associate’s Degree regardless of whether he/she has obtained an Associate’s Degree.

Employees hired prior to the effective date of this amendment and who are currently receiving 5% educational incentive for an AA Degree or POST Intermediate Certificate...
will continue to receive the 5% until such time as a degree or certificate beyond these two incentives is obtained.

Effective 01-01-10, the City agrees to amend the Administrative Policy, IV-B-2 Employee Training to wit:

(c) Mutual Benefit Training: Training of generally equal benefits to the City and the employee, for course work applied toward a Bachelor’s or Master’s degree related to the employee’s present position or possible promotion within the City. City participation to consist of full reimbursement for tuition, registration costs, for any class(es) or course(s) to the equivalent of Fresno State University tuition (lecture course) for six (6) units or less per school semester (and two semesters per fiscal year), or equivalent quarter units, per employee.

III. HOMEBUYER’S ASSISTANCE PROGRAM

Members of the Porterville Police Officers’ Association desire to implement an incentive program that will not only attract experienced individuals, but will also provide an opportunity for commuting employees to live within the Porterville City limits.

The City acknowledges the benefit of such a program, and will research different approaches on how to implement a Homebuyer’s Assistance Program for Porterville Police Officers’ Association members.

IV. FOURTH LEVEL SURVIVOR BENEFITS

Effective spring 2010 or as soon thereafter as possible, the City shall increase the PERS Survivor Benefit to Level IV at no additional cost to the employee.

V. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

Benefits and working conditions as were previously agreed upon through the Meet and Confer process, and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in effect until such time as they are subsequently modified or eliminated through the Meet and Confer process and similarly approved by appropriate authority.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.
PASSED, APPROVED AND ADOPTED this _______ day of April, 2010.

__________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By _________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. __________


WHEREAS, the Public Employees’ Retirement Law permits the participation of public agencies and their employees in the Public Employees’ Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21574 (Fourth Level of 1959 Survivor Benefits) for the Porterville Police Officer Association Members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby give notice of intention to approve an amendment to the contract between the City of Porterville and the Board of Administration of the Public Employees’ Retirement System, a copy of said amendment being attached hereto, as “Exhibit A,” and by this reference made a part hereof.

PASSED, APPROVED, AND ADOPTED this 6th day of April, 2010.

______________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By __________________________
Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO. 2
AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Porterville


A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective October 5, 2007, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 55 for local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1982 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

(a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

(b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

(c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

(d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

(e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   a. ELECGED OFFICIALS; AND
   b. MEMBERS TO THE LOCAL SYSTEM WHO UPON CONTRACT DATE DID NOT EXECUTE AND FILE A WAIVER OF RIGHTS WITH RESPECT TO SAID LOCAL SYSTEM.

6. Assets heretofore accumulated with respect to members under the local retirement system who waived their rights under that system on have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after July 1, 2006 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after July 1, 2006 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

10. Public Agency elected and elects to be subject to the following optional provisions:
   a. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
   b. Section 20042 (One-Year Final Compensation).
   c. Section 20965 (Credit for Unused Sick Leave).
   d. Section 21024 (Military Service Credit as Public Service).
   e. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local miscellaneous members only.
   f. Section 21574 (Fourth Level of 1959 Survivor Benefits).

11. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.

12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

13. Public Agency shall also contribute to said Retirement System as follows:
   a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
   b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the ___ day of ________________, ____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
BY
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF PORTERVILLE
BY
PRESIDING OFFICER

Witness: Date
Attest:

Clerk

AMENDMENT ER# 1297
PERS-CON-702A
ORDINANCE NO._______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY
COUNCIL OF THE CITY OF PORTERVILLE AND THE BOARD OF ADMINISTRATION
OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM

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

Section 1. That an amendment to the Contract between the City Council of the City of Porterville and the Board of Administration of the California Public Employees’ Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked “Exhibit A,” and by such reference made a part hereof as though herein set out in full.

Section 2. The Mayor of the City of Porterville is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

Section 3. This Ordinance shall take effect thirty days after the date of its adoption, and pursuant to City Charter, three days prior to adoption thereof, shall be published at least once in the Porterville Recorder, a newspaper of general circulation, published and circulated in the City of Porterville and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED this 6th day of April, 2010.

________________________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By ______________________________________
Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO. 3
AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees’ Retirement System
and the
City Council
City of Porterville


A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective October 5, 2007, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members and age 55 for local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1982 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

   (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

   (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
(f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

(g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Fire Fighters (herein referred to as local safety members);
   b. Local Police Officers (herein referred to as local safety members);
   c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   a. ELECTED OFFICIALS; AND
   b. MEMBERS TO THE LOCAL SYSTEM WHO UPON CONTRACT DATE DID NOT EXECUTE AND FILE A WAIVER OF RIGHTS WITH RESPECT TO SAID LOCAL SYSTEM.

6. Assets heretofore accumulated with respect to members under the local retirement system who waived their rights under that system on have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system have been credited to the individual membership account of each such employee under the Public Employees' Retirement System.

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after July 1, 2006 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after July 1, 2006 shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

10. Public Agency elected and elects to be subject to the following optional provisions:

a. Section 21536 (Local System Service Credit Included in Basic Death Benefit).

b. Section 20042 (One-Year Final Compensation).

c. Section 20965 (Credit for Unused Sick Leave).

d. Section 21024 (Military Service Credit as Public Service).

e. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local miscellaneous members only.

f. Section 21574 (Fourth Level of 1959 Survivor Benefits).

11. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.

12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

13. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.

b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
c. A reasonable amount, as fixed by the Board, payable in one instalment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the ____ day of ______________, ____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF PORTERVILLE

BY
LORI MCGARTLAND, CHIEF
EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY
PRESIDING OFFICER

Witness Date

Attest:

Clerk

AMENDMENT ER# 1297
PERS-CON-702A
45. **Section 21548 Pre-Retirement Option 2W Death Benefit**

This provision is mandated for pooled plans.

The spouse or domestic partner of a deceased member, who was eligible to retire for service at the time of death, may to elect to receive the Pre-Retirement Option 2W Death Benefit in lieu of the lump sum Basic Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Option 2W, the highest monthly allowance a member can leave a spouse or domestic partner.

**Employer Cost:** Valuation required for non-pooled plans only.

**Rough Estimate:** Impact on Employer Normal Cost:
- 0.1% to 0.2% of payroll for miscellaneous groups
- 0.05% to 0.1% of payroll for safety groups

**Member Cost:** None.

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46. **Section 21574 Fourth Level of 1959 Survivor Benefits**

This benefit provides a higher level of 1959 Survivor Benefits to survivors of a member who dies prior to retirement. The benefit is paid in addition to the Basic Death Benefit, the 1957 Survivor Benefit, or, if applicable, the Pre-Retirement Optional Settlement 2 Death Benefit but would be reduced by the amount of the Special Death Benefit, if payable. Concurrent coverage under this section and Social Security is prohibited, but an agency may provide the benefit for the full formula members of a divided miscellaneous member group. For agencies first contracting for the 1959 Survivor Program, members in employment prior to the effective date of the amendment may elect not to be covered, however, participation is required for all future hires who are not covered under Social Security (Section 21577).

A spouse or domestic partner is eligible if he or she (1) has care of eligible children, or (2) is age 60 or older. Children are eligible if under age 22 and unmarried or disabled regardless of age.

The monthly allowance payable to eligible survivors under this section is as follows:

- Spouse or domestic partner with two or more eligible children; or three or more eligible children only ........................................... $2,280
- Spouse or domestic partner with one eligible child; or two eligible children only ... $1,900
- One eligible child only; or surviving spouse or domestic partner at age 60 or older; or dependent parents ................................................................. $950
Employer Cost: Valuation required.
The employer normal cost is $5.40 per month per covered member for the fiscal year 2008/2009. For existing agencies that contract for this level of 1959 Survivor Benefit, employers will be required to pay the unfunded liability calculated at the Fourth Level and five years of annual normal costs. For new contracting public agencies, employers will be required to pay five years of annual normal costs.

Member Cost: $2.00 monthly, $1.00 semi-monthly, $.93 bi-weekly (non-refundable).

The normal cost for public agencies contracting or amending to provide the Fourth Level will be calculated based on the term insurance funding method. This rate will be calculated on the pool experience rather than individual employer experience. The actual employer cost for agencies currently providing 1959 Survivor Benefits who amend to provide the Fourth Level will vary depending upon each agency's 1959 Survivor funding level.

If there is a deficit in the agency's 1959 Survivor funding (an unfunded accrued liability) based on the Fourth Level benefit, this unfunded liability and the five years of employer normal costs shall be amortized and paid for over a period of five years, the first payment billed in June and due in July following the effective date of the amendment and the remaining four payments due by July 15, of each following year. If there is a surplus in the agency's 1959 Survivor funding, the surplus shall be amortized and used to offset the five years of employer normal costs.

At the end of the first five years, employers in the Fourth Level pool will pay only the pool's net premium.

An operative date for this benefit is established at the time of amendment.

47. Section 21574.5 Indexed Level of 1959 Survivor Benefits

This provision provides 1959 Survivor Benefits to survivors of a member who dies prior to retirement and includes an automatic cost-of-living feature to avoid erosion due to inflation. The increase will be 2 percent per year for both beneficiaries already receiving the benefit and for potential beneficiaries of members who die in the future. The benefit is paid in addition to the Basic Death Benefit, the 1957 Survivor Benefit, or if applicable, the Pre-Retirement Optional Settlement 2 Death Benefit but would be reduced by the amount of the Special Death Benefit, if payable. Concurrent coverage under this section and Social Security is prohibited, but an agency may provide the benefit for the full formula members of a divided miscellaneous member group.

For agencies first contracting for the 1959 Survivor Program, members in employment prior to the effective date of the amendment may elect not to be covered, however, participation is required for all future hires who are not covered under Social Security (Section 21577).

A spouse or domestic partner is eligible if he or she (1) has care of eligible children, or (2) is age 60 or older. Children are eligible if under age 22 and unmarried or disabled regardless of age.
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 6th day of April, 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 6th day of April, 2010.

ATTEST:
John D. Lollis, City Clerk

Pete V. McCracken, Mayor

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

RESOLUTION NO.: ________

Reservations and Exceptions:

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

LEGEND

( ) RECORD DATA PER MAP OF EDGEMONT SUBDIVISION, BK. 19 OF MAPS, AT PG. 68, TULARE COUNTY RECORDS, OR CALCULATED THEREFROM

( ) RECORD DATA PER MAP OF EDGEMONT SUBDIVISION NO. 2, BK. 20 OF MAPS, AT PG. 8, TULARE COUNTY RECORDS

1 LOT NUMBER PER EDGEMONT SUBDIVISION, BK.19, PG. 68, RECORD MAPS, TULARE COUNTY RECORDS

\ LOT NUMBER PER EDGEMONT SUBDIVISION NO.
2, BK. 20, PG. 8, RECORD MAPS, TULARE COUNTY RECORDS

\ WATER PIPELINE EASEMENT RESERVED IN FAVOR OF THE CITY OF PORTERVILLE

\ SANITARY SEWER PIPELINE EASEMENT RESERVED IN FAVOR OF THE CITY OF PORTERVILLE

POINT OF BEGINNING OF CENTERLINE OF 10' SANITARY SEWER PIPELINE EASEMENT

TERMINUS OF CENTERLINE OF 10' SANITARY SEWER PIPELINE EASEMENT

10' WATER PIPELINE EASEMENT

SCALE IN FEET

DATE SIGNED: 12/22/09

PROFESSIONAL LAND SURVEYOR

W. TIMOTHY M. ODOW
No. 8468

STATE OF CALIFORNIA

PORTION OF THE SE 1/4 SEC. 26, T. 21 S., R. 27 E., M.D.B.&M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA

KESSING STREET ABANDONMENT EXHIBIT MAP EXHIBIT B

LAND SURVEYOR:
TIMOTHY M. ODOW

DRAWER:
1:1,000

SCALE:
1"=100'

DATE:
12/22/09

JOE NO. 33102884

SHEET 1 OF 1
EXHIBIT "C"

RESOLUTION NO.: ________

Reservations and Exceptions:

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

SUBJECT: CONTINUATION OF CONSIDERATION OF THE TRANSACTION AND USE TAX OVERSIGHT COMMITTEE'S FINDING OF "NON-CONSISTENT" RELATIVE TO THE 2008-2009 MEASURE "H" EXPENDITURES

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Pursuant to Resolution 24-2006, a 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. On March 16, 2010, the Committee presented its draft Annual Report for FY 2008/2009 in which the Committee found that the 2008-2009 Measure H expenditures were non-consistent with the adopted 2008-2009 Expenditure Plan.

Pursuant to the provisions set forth in Resolution 24-2006, the City Council held a public hearing on March 16, 2010, and received the Committee's Draft Annual Report for Fiscal Year 2008/2009 and public commentary on the finding of "non-consistent." In an effort to ensure greater public participation and to review the Committee's "Draft Report", the City Council directed that the public hearing be continued to the next regular meeting.

The Council further directed staff to provide options with regard to funding those Measure H expenditures deemed to be inconsistent with the Measure in the event the City Council agreed in whole or in part with the Committee's findings. It is staff's recommendation that any finding of non-consistency by the City Council be funded from General Fund reserves.

RECOMMENDATION: That the Council conduct the continued 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.

ATTACHMENTS: 1) Resolution 24-2006
2) Ordinance 1684
4) Recertification for 2008/2009 Measure H Expenditure Plan
5) Oversight Committee's Annual Report for FY 2007/2008
6) City Attorney's Opinion Memorandum dated March 24, 2010
7) City Manager's Memorandum dated April 1, 2010

Item No. 19
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
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.
5. **Appointment of new members:** At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.

6. **Dissolution of committee:** Dissolution of the committee shall occur in the event the *Transactions and Use Tax for Public Safety, Police and Fire Protection* is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

Georgia Hawley, Chief Deputy City Clerk
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:

<table>
<thead>
<tr>
<th>Fiscal Year 2005-06 Sales Tax Revenue available (partial year)</th>
<th>$600,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Supplemental Resources (General Fund)</td>
<td>$50,903</td>
</tr>
<tr>
<td>Total Resources Available</td>
<td>$650,903</td>
</tr>
</tbody>
</table>

- 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

<table>
<thead>
<tr>
<th>Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y)</th>
<th>$1,792,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase Police Sworn by 1 additional position to the base</td>
<td>$85,000</td>
</tr>
<tr>
<td>Maintain and Expand Patrol Operations</td>
<td>$405,000</td>
</tr>
<tr>
<td>Maintain and Expand Gang Suppression and Narcotics Operations</td>
<td>$215,000</td>
</tr>
<tr>
<td>Maintain 7 additional Sworn Fire personnel</td>
<td>$521,156</td>
</tr>
<tr>
<td>Purchase additional Fire Rescue Apparatus</td>
<td>$140,000</td>
</tr>
<tr>
<td>Purchase Rescue Equipment for new Fire Apparatus</td>
<td>$25,000</td>
</tr>
<tr>
<td>Purchase Personal Safety Equipment for additional Fire Fighters</td>
<td>$14,000</td>
</tr>
<tr>
<td>Maintain Literacy Program/hours</td>
<td>$180,000</td>
</tr>
<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$80,000</td>
</tr>
<tr>
<td>Establish Capital Reserve Fund for New Fire Station</td>
<td>$126,844</td>
</tr>
</tbody>
</table>

**Total 2006-07 Fiscal Year Expenditures** | $1,792,000

<table>
<thead>
<tr>
<th>Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y)</th>
<th>$1,863,680</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase Police Sworn by 1 additional position to the base</td>
<td>$87,000</td>
</tr>
<tr>
<td>Maintain Expanded Patrol Operations</td>
<td>$508,000</td>
</tr>
<tr>
<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$255,250</td>
</tr>
<tr>
<td>Maintain 7 additional Sworn Fire personnel</td>
<td>$557,637</td>
</tr>
<tr>
<td>Hire 1 additional Fire Investigator</td>
<td>$74,167</td>
</tr>
<tr>
<td>Station and Equipment</td>
<td>$20,000</td>
</tr>
<tr>
<td>Maintain Literacy Programs/hours</td>
<td>$187,200</td>
</tr>
<tr>
<td>Expand Homework Assistance and Creative Expression Program</td>
<td>$83,200</td>
</tr>
<tr>
<td>Increase Established Capital Reserve Fund for New Fire Station</td>
<td>$91,226</td>
</tr>
</tbody>
</table>

**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>
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<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>
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<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>$666,000</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>$194,888</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>
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<tr>
<td>Total 2007-08 Fiscal Year Expenditures</td>
<td>$988,227</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y)</th>
<th>$2,015,756</th>
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</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></td>
</tr>
<tr>
<td>Maintain Expanded Patrol Operations</td>
<td>$630,000</td>
</tr>
<tr>
<td>Maintain Expanded Gang Suppression and Narcotics Operations</td>
<td>$396,651</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></td>
</tr>
<tr>
<td>Maintain Expanded Patrol Operations</td>
<td>$664,000</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>$83,589</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  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 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>
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<tr>
<td>NOES:</td>
<td></td>
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<tr>
<td>ABSTAIN:</td>
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<tr>
<td>ABSENT:</td>
<td></td>
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</tbody>
</table>

JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
ORDINANCE NO. 1684

AN ORDINANCE ADDING ARTICLE IIA TO CHAPTER 22 OF THE PORTERVILLE MUNICIPAL CODE TO PROVIDE FOR AN ADDITIONAL ONE-HALF OF ONE PERCENT TRANSACTIONS AND USE TAX TO FUND PUBLIC SAFETY, POLICE AND FIRE PROTECTION SERVICES AND RELATED CAPITAL PROJECTS AND TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE PEOPLE OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

SECTION I. AMENDMENT OF CODE.

Porterville Municipal Code Chapter 8 is hereby amended by the addition of a new Article to read as follows:

ARTICLE IIA. TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY, POLICE AND FIRE PROTECTION

Sec. 22-8.1 Title/Purpose:

This ordinance shall be known as the Transactions and Use Tax for Public Safety, Police and Fire Protection. The City of Porterville hereinafter shall be called “City.” This ordinance shall be applicable in the incorporated territory of the City. This Ordinance of the Porterville Municipal Code has been adopted for the following (and other) purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if at least two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

(b) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

(c) To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Transactions and Use Taxes;

(d) To adopt a retail transactions and use tax ordinance that can be administered in a manner that will, to the degree possible consistent with the provisions of Parts 1.6 and 1.7 of Division 2 of the said Revenue and Taxation Code, minimize the cost of collecting
City transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions thereof.

(e) 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. The revenue generated by the tax provided for herein shall be restricted to those uses. The tax is, therefore, a special tax.

Sec. 22-8.2. Operative Date:

"Operative date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance, the date of such adoption being set forth below.

Sec. 22-8.3. Contract with State:

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation hereof. If the City has not contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract. The Council may make any technical amendments to this ordinance required by the State Board of Equalization, except for any changes affecting the tax rate, its manner of collection, or the purpose for which the revenue from the tax may be used.

Sec. 22-8.4. Imposition of Transactions Tax:

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent (0.50%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the City of Porterville on and after the operative date of this Ordinance. The City Council is authorized to establish a tax rate of one-half of one percent by resolution.

Sec. 22-8.5. Presumption as to Place of Sales:

For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.
Sec. 22-8.6. Imposition of Use Tax:

An excise tax is hereby imposed on the storage, use, or other consumption in the City of Porterville of tangible personal property purchased from any retailer on or after the operative date of this Ordinance for storage, use or other consumption in said territory, at the rate of one-half of one percent (0.50%) of the sales price of the property subject to the tax. The sales price shall include delivery charges when such charges are subject to State transactions or use tax regardless of the place to which delivery is made. The City Council is authorized to establish a tax rate of one-half of one percent by resolution.

Sec. 22-8.7. Adoption of Certain Sections of California Revenue & Taxation Code by Reference:

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Parts 1.6 and 1.7 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of said Code, as amended and in force and effect on the operative date of this Ordinance, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

Sec. 22-8.8. Limitations on Adoption of State Law and Collection of Use Taxes:

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(a) Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

(1) The word “State” is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

(2) The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

(3) In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

(A) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
(B) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

(4) In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(b) The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Sec. 22-8.9. Permit Not Required:

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

Sec. 22-8.10. Exemptions and Exclusions:

(a) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

(b) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

(A) With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
(B) With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

(4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.

(5) For the purposes of subsections (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(c) There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed price pursuant to a contact entered into prior to the operative date of this Ordinance.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

(5) For the purposes of subsections (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal
property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

(7) "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

(d) Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Sec. 22-8.11. Amendments to Revenue and Tax Code:

All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

Sec. 22-8.12. Enjoining Collection Prohibited:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the State or this City, or against any officer of the State or this City, to prevent or enjoin the collection hereunder, or Parts 1.6 and 1.7 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION II: USE OF TAX PROCEEDS AND EXPENDITURE PLAN.

All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special fund or account designated for use for Public Safety Services only. The City hereby adopts the Program Guidelines and Public Safety Expenditure Plan for the administration and expenditure of the tax proceeds, attached to this Ordinance as Exhibit "A." 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 this 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.

SECTION III: STATUTORY AUTHORITY FOR TAX; SEVERABILITY.

This ordinance is adopted pursuant to Revenue and Taxation Code Section 7285.91. In any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION IV: ELECTION REQUIRED.

This ordinance shall not become operative unless and until at least a two-thirds majority of the electors voting on this measure vote to approve the imposition of the tax at the election to be held on November 8, 2005.

SECTION V: EFFECTIVE DATE.

If this ordinance is approved by two-thirds of the voters voting on the issue at the November 8, 2005 election, pursuant to Elections Code Section 9217, the tax shall become effective ten (10) days after the Council certifies the results of the election.

APPROVED by the following vote of the People of the City of Porterville on November 8, 2005:

Yes — 4362 - 70.28%
No — 1845 - 29.72%

ADOPTED by Declaration of the vote by the City Council of the City of Porterville City on December 6, 2005.

Kelly West, Mayor

ATTEST

John Longley, City Clerk
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 $180,000
  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

Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)
$1,938,227

Additional Supplemental Resources (General Fund)
Total Resources Available
$50,000
$1,988,227

Increase Police Sworn by 1 additional position to the base
$91,000
Maintain Expanded Patrol Operations
$566,000
Maintain Expanded Gang Suppression and Narcotics Operations
$320,763
Maintain 8 additional Sworn Fire personnel
$676,030
Safety Equipment
$5,000
Maintain Literacy Programs/hours
$194,688
Expand Homework Assistance and Creative Expression Program
$86,528
Increase Established Capital Reserve Fund for New Fire Station
$48,218
Total 2007-08 Fiscal Year Expenditures
$988,227

Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y)
$2,015,756
Additional Supplemental Resources (General Fund)
Total Resources Available
$75,000
$2,090,756

Maintain 8 additional Sworn Police personnel
Maintain Expanded Patrol Operations
$630,000
Maintain Expanded Gang Suppression and Narcotics Operations
$396,651
Maintain 8 additional Sworn Fire personnel
$723,352
Maintain Literacy Programs/hours
$202,476
Expand Homework Assistance and Creative Expression Program
$89,989
Partial Year Debt Service Payment on New Fire Station Financing
$48,288
Total 2009-10 Fiscal Year Expenditures
$2,090,756

Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)
$2,096,387
Additional Supplemental Resources (General Fund) $150,000
Total Resources Available $2,246,387

Maintain 8 additional Sworn Police personnel
Maintain Expanded Patrol Operations $664,000
Maintain Expanded Gang Suppression and Narcotics Operations $413,983
Maintain 8 additional Sworn Fire personnel $773,352
Maintain Literacy Programs/hours $210,575
Expand Homework Assistance and Creative Expression Program $93,589
Debt Service on New Fire Station Financing $90,889
Total 2010-11 Fiscal Year Expenditures $2,246,387

* 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 \nCITY OF PORTERVILLE \nCOUNTY OF TULARE

I, JOHN LONGLEY, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1684, passed and approved by the People of the City of Porterville at a Special Consolidated Statewide Election held on the 8th day of November, 2005, that said ordinance has been deemed operative pursuant to law, and that by the terms and provisions of Ordinance 1684, said ordinance to become effective on the 16th day of December, 2005, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was adopted by declaration of the vote by the Council on December 6, 2005, and the same was duly passed and adopted by the following vote:

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JOHN LONGLEY, City Clerk

by: Patrice Hildreth, Deputy City Clerk
Transactions and Use Tax Oversight Committee
Annual Report for Fiscal Year 2008/2009

Prepared for the Porterville City Council
March 16, 2010

Members:
Gregory Francisco Gillett, Chair
Dick Eckhoff, Vice-Chair
Rick McIntire, Secretary
John Baumgartner
Barbra Black
Shirley Hickman
Jack Irish
Greg Shelton

ATTACHMENT NO. 3
Pursuant to the Resolution No. 24-2006, the Transactions and Use Tax Oversight Committee respectfully submits this annual report to the City Council for review.

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

Ballot Measure H read:

PORTERVILLE POLICE AND EMERGENCY RESPONSE/911 SAFETY MEASURE. In order to increase the number of police and firefighters, expand neighborhood crime prevention efforts, improve 9-1-1 response times and communication, upgrade the 9-1-1 dispatch center, build a new fire station, and expand and improve anti-gang, anti-drug and anti-bullying programs, shall the sales tax be increased by one-half cent with citizens oversight and independent annual performance and financial audits? YES NO

On December 6, 2006, the City Council reaffirmed Ordinance No. 1684 and adopted the Program Guidelines and public Safety Expenditure Plan for the administration and expenditure of the tax proceeds. General Fund 004 was designated as the Measure H Tax Fund.

On February 21, 2006, the City Council adopted Resolution No. 24-2006 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.

The Purpose of the Transactions and Use Tax Oversight Committee (TUTOC) is to review the revenue and expenditures of the three Measure H Budgets (Fire, Police and Literacy) contained in General Fund No. 004, 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.

TUTOC shall issue an annual report of its conclusions.

The Proposed Budget and the Administrative Policy was not provided to TUTOC for review at that meeting.

After review of the expenditures, TUTOC, in a majority vote, determined that the expenditures were not consistent with the intent of the ballot measure. The Council was notified through City staff and in person of TUTOC’s determination.

On February 22, 2010, the City Audit Committee met to review Resolution 24-2006 and discuss process, procedure and protocol to increase communication between the City and TUTOC in order to fulfill the committee’s obligations under the resolution. The City Attorney recommended that a public hearing be set for March 16, 2010 “to consider sustaining or rejecting the finding of TUTOC that the 2008/2009 Measure H expenditures were ‘inconsistent’ with the adopted 2008-2009 Measure ‘H’ Expenditure Plan. (Emphasis added to distinguish the language set forth by the City Attorney and Resolution 24-2006 which reads: “To review the revenue and expenditures ...and report to Council their finding as ‘consistent with the intent of the ballot measure’ or ‘non consistent.’”)"

On February 25, 2010, the City Attorney advised City Council that a public hearing would not be fruitful until TUTOC could receive documents from City staff and prepare its annual report. Council was further noticed of TUTOC’s intent to hold a meeting on March 4, 2010 to request documents necessary for preparation of the annual report.

On March 4, 2010, TUTOC met to determine documents necessary to draft the annual report and establish protocol for delivery of committee determination and creation of annual report.

On March 11, 2010, TUTOC met to review the documents provided by the City and prepare the Annual Report for fiscal year 2008/2009. Despite notice that TUTOC required time to prepare the report, the Council set March 16, 2010 as the time and place for a public hearing on TUTOC’s determination.

DETERMINATION
TUTOC renews its determination that the expenditures for fiscal year 2008/2009 as detailed in General Fund 004 are “non consistent” [sic] with ballot Measure H.

COMMITTEE CONCLUSIONS
It is a consensus of the committee that the majority of the expenditures were consistent with the ballot measures. However, a majority of the committee did find that the below-detailed expenditures were not consistent with the intent of ballot Measure H. Moreover, it appears that this Council has established spending policy as is relates to General Fund 004 that will lead to future findings of “non consistent” by TUTOC.
Public Safety Building
Members of TUTOC have determined that the only capital building project identified in the original ballot measure and spending plan voted upon and approved by the voters was a "New Fire Station". On June 9, 2009 during a TUTOC meeting, City Staff advised the committee that the building of a "Public Safety Building" housing both Police and Fire operations was included in the original ballot measure expenditure plan.

Members of TUTOC have determined that this is inaccurate, and that the expenditure of Measure H funds for any capital building project other than a "new fire station" is inconsistent with the intent of the ballot measure. Measure H funds can be used for that portion of a "Public Safety Building" designed and used to fulfill the spending plan identification of a "new fire station." However, other funding sources must be used for the balance of a capital building project used for police related operations.

Animal Control Activities
According the detailed expenditures the City has spent $302,966.78 on capital expenditures (land), salaries and benefits, and equipment for the Porterville Animal Shelter. There is, however, a hand-written note stating "1/2 Measure H" on the expenditure list so true expenditure from General Fund 004 is unknown.

Members of TUTOC have determined that it is impossible to find even a reasonable relationship between expenditures in any amount whatever toward an animal shelter and the intent of ballot Measure H. On June 16, 2009, a "Recertification for 2008-09 Fiscal Year Measure H Expenditure Plan" was issued by City Staff which revised the expenditure plan established by the voters, and added funding for the acquisition of land for an Animal Shelter. No such capital project was listed or otherwise identified in the ballot measure and is inconsistent with the intent of the ballot measure. The planning for, acquisition of property, and the building of facilities as well as funding operational costs for animal control activities of the city is completely inconsistent with the intent of the ballot measure as determined by the TUTOC.

Capital Library Construction Project
Members of TUTOC have determined that the only capital building project identified in the original ballot measure and spending plan voted upon and approved by the voters was a "New Fire Station". On June 7, 2007 during a TUTOC meeting, City Staff advised the committee that the tax measure passed by the voters included provisions for the building of police, library, and fire facilities”.

Members of TUTOC have determined that this is inaccurate, and that the expenditure of Measure H funds for any capital building project other than a "new fire station" is inconsistent with the intent of the ballot measure. On June 19, 2007, a "Recertification for 2007-08 Fiscal Year Measure H Expenditure Plan" was issued by City Staff which revised the expenditure plan established by the voters, and added funding for the construction of a Library Facility. No such capital project was listed or otherwise identified in the ballot measure and is inconsistent with the intent of the ballot measure. The primary concern for TUTOC was the $88,000.00 expenditure (of the $220,000.00
budgeted) on the Library Consultants as listed in account 5094-083-880. Additional concerns within account 5094-083-8800 that highlight vast nature of the inconsistency include expenditures on Golden Touch Limousine services and food and snack items. The planning, acquisition of property for, and the building of library facilities are completely inconsistent with the intent of the ballot measure as determined by the TUTOC.

Policy on allocating Measure H funds for personnel who serve general purpose
The original intent of the Ballot Measure was to increase the number of police officers and firefighters serving the citizens of Porterville along with a minor component related to literacy efforts by the City. It is clear that the City has in fact increased, to some degree, the number of Police Officers and Firefighters as promised in the tax measure. The employment of other personnel, using Measure H funds, who serve a more general purpose outside of direct police and fire protection activities for the citizens, is inconsistent with the intent of the ballot measure.

Members of TUTOC set forth the following as examples of As an example, the employment of a full time custodian to perform maintenance activities for the library is not consistent with the intent of the ballot measure. The full time employment, with Measure H funds, of a fire management employee who performs general duties for the entire department and all of its personnel is inconsistent with the ballot measure. While an argument can be made that a portion of such an employee’s salary should be paid for with Measure H funds, the cost of his/her full salary is inconsistent with the ballot measure. The TUTOC is concerned that this is a “slippery slope” type of practice which will lead to the supplanting of general fund activities with Measure H funds. The TUTOC is suggesting that the City Council adopt a strict policy in this regard in order to prevent future findings by the TUTOC of “non-consistent” expenditures.

Capital remodel/improvement
Members of TUTOC have determined that the only capital building project identified in the original ballot measure and spending plan voted upon and approved by the voters was a “New Fire Station”. On June 7, 2007 during a TUTOC meeting, City Staff advised the committee that the tax measure passed by the voters included provisions for the building of police, library, and fire facilities”. Members of TUTOC have determined that this is inaccurate, and that the expenditure of Measure H funds for any capital building project other than a “new fire station” is inconsistent with the intent of the ballot measure. On June 16, 2009, a “Recertification for 2008-09 Fiscal Year Measure H Expenditure Plan” was issued by City Staff which revised the expenditure plan established by the voters, and added funding for the remodel of the existing library Facility. Additional example, since rescinded from the Measure H fund after TUTOC members expressed concerns, include expenditures on new carpeting for the Police Station and an air conditioning unit for the library. No such capital project was listed or otherwise identified in the ballot measure and is inconsistent with the intent of the ballot measure. Any activities associated with the remodeling of existing library facilities are completely inconsistent with the intent of the ballot measure as determined by the TUTOC.
ADOPTION OF THIS REPORT

This report was prepared in draft form at the meeting of March 11, 2010 where a majority of TUTOC members concurred on the abovementioned items. TUTOC was unable to adopt this report due to the time necessary to format the report and the time constraints caused by the City Council by the setting of a Public Hearing on March 16, 2010. It was agreed that this draft report may be submitted to Council at the Public Hearing. TUTOC members were encouraged to appear at the Public Hearing to express support of this report in current form or offer their statement of dissent.

If members are not present at the Public Hearing to confirm their support for this written document, the Chair shall call a meeting to adopt this report and forward it to City Council.

Respectfully Submitted,

Gregory Francisco Gillett, Chair

CONCURRING COMMITTEE MEMBERS

_____________________________

_____________________________

_____________________________

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_____________________________

DISSENTING COMMITTEE MEMBERS

_____________________________

_____________________________
*RECERTIFICATION FOR 2008-09 FISCAL YEAR

MEASURE H EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on 1/2 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 2008-09 Additional Sales Tax Revenues (Third full F/Y) $2,800,000**
  Interest $50,000**

  Increase Police Sworn by 1 additional position to the base $91,000
  Maintain Expanded Patrol Operations $650,000**
  Maintain Expanded Gang Suppression and Narcotics Operations $490,871**
  Maintain 8 additional Sworn Fire personnel $745,578**
  Safety Equipment $255,000**
  Maintain Literacy Programs/hours $340,972**
  Expand Homework Assistance and Creative Expression Program $86,528
  Increase Established Capital Reserve Fund for New Fire Station $**

Subtotal $2,659,949

  Allocation for Facility Planning for the Library Building Project as a Literacy Project $220,000**
  Allocation for Land Acquisition for Fire Station # 3 $500,000**

Subtotal $720,000**

Total 2008-09 Fiscal Year Expenditures $3,379,949**

* Assumptions consistent with original Ordinance 1684.
** Certification of new amount and revision of Measure H Expenditure Plan.

John Longley, City Manager/City Clerk
June 17, 2008
Wednesday, May 21, 2008

Hon. Cameron Hamilton  
Mayor  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Re: Committee findings of 21 May, 2008

Mr. Mayor and Honorable Council:

After a meeting of the Transactions and Tax use Oversight Committee was held on this date to thoroughly review the revenue and expenditures of the three (3) Measure H budgets contained in General Fund No. 4 and the proposed 2008/2009 budget, the committee hereby finds that the expenditures and proposed budget are consistent with the intent of the ballot measure.

This letter, along with the minutes of the meeting, shall serve as the annual report of the committee’s conclusions as mandated by Resolution No. 24-2006.

I am available for the Council if there are questions or comments.

With Kind Regards,

Gregory Francisco Gillett
TO: John Lollis

cc: Porterville City Council

FROM: Julia M. Lew, City Attorney

DATE: March 24, 2010

SUBJ: Various Legal Authorities – Measure H

This is provided in response to questions and statements regarding the “Measure H” ballot measure, its intent, and the purposes for the “special tax.”

The authority to impose a “special tax” stems from the California Constitution, Article 13A, Section 4 and is further implemented via statute. Pursuant to Revenue and Taxation Code Section 7285.91, a special tax may be levied or increased for the purpose for which it is established, if an ordinance proposing the tax is approved by a 2/3 vote of all members of the governing body and is subsequently approved by a 2/3 vote of the qualified voters of the City, and that ordinance includes an expenditure plan describing the projects for which the tax revenues may be expended.

The City undertook the special tax process in 2005. At a special meeting on August 1st, the City Council, after a noticed public hearing, considered and approved the documents for the submission of Measure H on the November 2005 ballot (special election), including Resolution No. 108-2005, ordering the submission of a proposition to the voters. At that time, the City Council also considered proposed Ordinance adopted by the voters if the Measure passed, which would add Article IIA to Porterville Municipal Code Chapter 22, which was an attachment to the Resolution.

The Resolution provides on page 2 that the proceeds from the tax can be used “only to pay for public safety, police and fire protection services, related equipment and capital needs, and for the restoration and maintenance of literacy programs due to the established relationship between illiteracy and crime, in accordance with an expenditure plan and program guidelines, as approved by the Council.” On page 3 the Resolution specifies that the ordinance, "to be approved by the voters" is attached to the Resolution. Further, on page 4, Section 7 of the Resolution provides, "the object and purpose of the increase is to provide additional revenue for the purpose of improving public safety, fire, law enforcement and literacy services and programs in Porterville."

The ordinance (Ordinance No. 1684), approved by the City Council on August 1, 2005 and subsequently approved by the voters at the November 2005 election provides that the purpose of the ordinance is, at Section 22-8.1(e), “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. The revenue generated by the tax provided for herein shall be restricted to those uses. The tax
is, therefore, a special tax.” This is the language implemented by the voters. Section II of the Ordinance provides for the Program Guidelines and Expenditure Plan, and sets forth that the Expenditure Plan may be amended by a majority vote of the Council, so long as the funds are utilized for public safety, police and fire protection services. The Ordinance’s preamble reads as follows: “The People of the City of Porterville do Ordain as follows” (required language for voter-approved ordinances), and provides at Section V that it only becomes effective if approved by 2/3 of the voters.

Any claim that the precise projects (and only the precise projects) set forth in the ballot measure question language itself constitute the sole purpose of the special tax is incorrect. Ballot measure questions are limited to 75 words and can only be a summary or highlights of the measure. The language of the question is not the only language approved by the voters. The measure includes the approval of the Ordinance by the voters as well. Therefore, the purpose for the tax, as set forth in the ballot measure and the Ordinance, controls with regard to the intent of the voters. The staff report for the public hearing process and Council’s approval process made it clear that the voters would be voting on the Ordinance. Furthermore, the Impartial Analysis of the Measure, included in the election pamphlet itself, also explicitly stated that this was the case.

If you have any questions, please feel free to contact me. Thank you.
CITY OF PORTERVILLE
MEMORANDUM

TO: Honorable Mayor, Vice Mayor, and Members of Council

CC: Ms. Julia Lew, City Attorney

FROM: John D. Lollis, City Manager

DATE: April 1, 2010

SUBJECT: Measure H Oversight Committee Draft Annual Report for FY 2008/2009

This memorandum is provided in response to the Measure H Oversight Committee’s Draft Annual Report for Fiscal Year 2008/2009.

General Observations:
The Committee’s Report relies exclusively upon the ballot measure summary paragraph as the guiding language for its review as to the intent of the ballot measure, and that the expenditure of Measure H funds for any capital project other than a new fire station is “inconsistent” with the intent of the ballot measure. As explained in the enclosed City Attorney’s Memorandum, Ordinance 1684 was approved by the voters in the November 2005 election, with the purpose (intent) of the Measure as stated in the Ordinance “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.”

Committee Findings:
1. Public Safety Building: Committee opinions that Measure H may only pay for Fire component of facility, with other funding sources required for Police component.
   * Measure H expenditures thus far have included only land acquisition of five (5) acres for the facility, which does not vary depending upon whether the facility includes a Police component or not.
   * City is currently soliciting for a design consultant, with the design expense being the first anticipated project Measure H expenditure to include a Police component.

2. Animal Control Activities: Committee finds it “impossible” to find any relationship between public safety (Measure H) and animal control activities and/or an animal shelter facility.
   * Committee cites expenditures for non-capital Animal Control operations, which there have been none to date. All expenditures have been limited to land acquisition and preliminary design of the Animal Shelter facility.
   * California Health and Safety Code 122330 declares that uncontrolled and irresponsible breeding of animals presents a public safety risk, and that
cities are permitted to take appropriate animal control activities aimed at eliminating uncontrolled and irresponsible breeding of animals.

3. Capital Library Construction Project: Committee states that the expenditure of Measure H funds for any capital building project other than the new fire station is inconsistent with the intent of the ballot measure.
   * In its Annual Report for 2007-2008 dated May 21, 2008, the Committee found the proposed 2008-2009 Measure H budget, which included an "Allocation for Facility Planning for the Library Building Project" in the amount of $220,000, as "Consistent" with the intent of the ballot measure.

4. Policy on Allocating Measure H Funds for Personnel Who Serve General Purpose: Committee states that the employment of personnel, using Measure H funds, who serve a more general purpose outside of direct police and fire protection activities for the citizens, is inconsistent with the intent of the ballot measure.
   * Committee cites the employment of a full-time Custodian from Measure H; Custodian is paid only 30% from Measure H funds (in proportion to extended library days/hours promised by the Measure), and the Committee has found this expenditure consistent for the prior two years, since the position funding began in the 2006-2007 fiscal year.
   * Committee cites the employment of a full-time fire management employee (Fire Investigator) funded from Measure H, who also performs "general duties" for the entire department (Internal Affairs investigations).
   * Committee suggests that the Council adopt a strict policy as it relates to Measure H funded positions supplanting general fund activities.

5. Capital Remodel/Improvement: Committee states that the expenditure of Measure H funds for any capital building project other than the new fire station is inconsistent with the intent of the ballot measure.
   * Committee cites the proposed remodel of current library facility as inconsistent.
   * Committee states that staff rescinded expenditures for new carpeting in Police Department and a HVAC unit for the Library after the Committee expressed their concerns. However, expenditures were corrected by staff prior to the Committee's review.
PUBLIC HEARING

SUBJECT: REVIEW OF DEVELOPMENT IMPACT FEES AND ANNUAL ADJUSTMENTS PURSUANT TO ATTACHED SCHEDULES

SOURCE: PUBLIC WORKS DEPARTMENT and CITY ATTORNEY

COMMENT: As Directed at the November 3, 2009 City Council Meeting, staff has noticed a public hearing for the consideration by the City Council of the previously adopted annual inflationary adjustments made to development related fees per the Engineering News Record (ENR). This item arose due to requests of the Home Builders Association (HBA). The fees at issue have been adopted by Resolution (six total), with language generally as follows:

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

As was noted at the November meeting, the Council has the discretion to notice a public hearing annually to consider whether to implement the scheduled increases. Furthermore, fees adopted in accord with the Act are legally required to be reviewed regularly to ensure that fee amounts continue to be reasonably related to the impact of development. Public Works staff has reviewed its Capital Facilities Plan, the fees, and the scheduled increases, and believe that the proposed fees as adjusted are necessary and appropriate in conjunction with the facilities constructed and planned to be constructed with the fees.

During the period from 2002 through 2009, the City constructed approximately $27 million in street, water, sewer and storm drain master plan improvements. During the same period, the City collected $18.2 million in street, water, sewer and storm drain development impact fees. A representative list of the constructed master plan facilities is included in Council’s packet.
For the purpose of full disclosure, it must be noted that the City pursued and accepted Certificate of Participation loans dating back to 1988 and most recently re-financed in 2002 and in 2005. In 2004, the City accepted a CIEDB Reclamation Area Sewer Improvement loan and in 2009/2010, the City accepted an East Side Water Improvement loan. The loans, loan amounts and annual debt payments for each are shown in the following table.

<table>
<thead>
<tr>
<th>Loan Document Description</th>
<th>Loan Amount</th>
<th>Annual Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>COP Street Improvements</td>
<td>$20,850,000</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>COP Water System Improvements</td>
<td>$6,920,000</td>
<td>$690,000</td>
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<tr>
<td>COP Sewer System Improvements</td>
<td>$7,410,000</td>
<td>$740,000</td>
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<tr>
<td>COP Treatment Plant Improvements</td>
<td>$14,425,000</td>
<td>$887,000</td>
</tr>
<tr>
<td>CIEDB Sewer Reclamation Area Improvements</td>
<td>$5,356,000</td>
<td>$284,000</td>
</tr>
<tr>
<td>CIEDB Eastside Water Improvements</td>
<td>$8,257,000</td>
<td>$479,000</td>
</tr>
</tbody>
</table>

Since November, Public Works, Finance, and City Attorney staff have been reviewing the City’s fees and review processes. Commencing this year, staff proposes that this review of the adjustments and public hearing process take place as part of an annual review of these fees in December of each year (with annual adjustments to still to take effect annually in July).

Staff recommends that the City Council hold the public hearing and allow the scheduled annual adjustments to take effect as of July 1, 2010. Note that any change to the schedule will require affirmative action of the City Council.

RECOMMENDATION: That the Council

1) Hold the public hearing and consider all public testimony;
2) Approve the scheduled adjustments as set forth in the attachments; and
3) Approve that the public hearing process be held in December of each year in conjunction with the City’s annual review of development related fees.
ATTACHMENTS:

1) Resolution No. 2-99
2) Resolution No. 94-90
3) Resolution No. 142-02
4) Resolution No. 67-03
5) Resolution No. 95-90
6) Resolution No. 50-98
7) Ordinance Nos. 1438, 1439, 1440, 1558, 1567
8) Schedule (Exhibit “A”) – Park Impact Fees
9) Schedule (Exhibit “H”) - Connection/Misc. Fees
RESOLUTION NO. 2-99

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

WHEREAS, the City Council of the City of Porterville has adopted Ordinance No. 1567 creating and establishing the authority for imposing and charging a park impact fee; and

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

WHEREAS, the City Council finds as follows:

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

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

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

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

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

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

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

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

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

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

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

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

[Signature]
Judith A. Gibbons, Mayor

ATTEST:

[Signature]
C. G. Battler, City Clerk
EXHIBIT "A"

EFFECTIVE DATE
03-01-99

1. Single Family (R-1) per unit
   $441

2. Multiple Family (per unit)
   $342

3. Mobile Homes
   $247

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

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

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

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

C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
RESOLUTION NO. 94-90

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

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

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

WHEREAS, the City Council finds as follows:

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

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

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

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

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

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

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

1. Definitions.

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

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

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

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

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

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

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

Theodore G. Ensslin, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
       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 at a regular meeting of the Porterville City Council called and held on the 7th day of August, 1990.

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

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

C. G. HUFFAKER, City Clerk

Georgia Hawley, Deputy City Clerk
**EXHIBIT "A"**

**WASTEWATER FACILITIES IMPROVEMENT FEE**

**PER ACRE COST**

<table>
<thead>
<tr>
<th>EFFECTIVE DATE</th>
<th>07-01-90</th>
<th>10-01-90</th>
<th>07-01-91*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single Family (R-1)</td>
<td>$ 851</td>
<td>$ 973</td>
<td>$ 973</td>
</tr>
<tr>
<td>2. Duplex (R-2)</td>
<td>3846</td>
<td>2260</td>
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<td>3. Multiple Family (R-3 &amp; R-4)</td>
<td>3846</td>
<td>5272</td>
<td>5272</td>
</tr>
<tr>
<td>4. Institutional**</td>
<td>-</td>
<td>365</td>
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<tr>
<td>5. Commercial and Professional Office</td>
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<tr>
<td>6. Industrial</td>
<td>733</td>
<td>5865</td>
<td>5865</td>
</tr>
</tbody>
</table>

* Adjusted by ENR Construction Cost Index

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

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

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

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

WHEREAS, the City Council finds as follows:

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

   "HILLSIDE DEVELOPMENT" FEES

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

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

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

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

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


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

Gordon T. Woods, Mayor

ATTEST:

John Longley, City Clerk
STATE OF CALIFORNIA)  
(COUNTY OF TULARE )

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

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

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<tr>
<th>Councilmen:</th>
<th>WEST</th>
<th>JÖYNER</th>
<th>GURROLA</th>
<th>HAMILTON</th>
<th>WOODS</th>
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<tr>
<td>NOES:</td>
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<td>ABSTAIN:</td>
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JOHN LONGLEY, City Clerk

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

<table>
<thead>
<tr>
<th>Treatment Plant Fees</th>
<th>8-01-03</th>
<th>7-01-04</th>
<th>7-01-05</th>
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</thead>
<tbody>
<tr>
<td>Single Family and Multiple Family - Per Unit</td>
<td>$2,183</td>
<td>$2,336</td>
<td>$2,500</td>
</tr>
<tr>
<td>Commercial/Industrial Per Sewer Connection</td>
<td>$ 7.80 (per gpd)</td>
<td>$ 8.35 (per gpd)</td>
<td>$ 8.93 (per gpd)</td>
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<tr>
<td></td>
<td>($2,183 min)</td>
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2. Said fees shall be paid as a condition of development.

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

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

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

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

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

Richard M. Stadtherr, Mayor

ATTEST:

John Longley, City Clerk
STATE OF CALIFORNIA
(SS
COUNTY OF TULARE )

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

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

<table>
<thead>
<tr>
<th>Councilmen:</th>
<th>WEST</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>IRISH</th>
<th>STADTHERR</th>
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JOHN LONGLEY, City Clerk
RESOLUTION NO. 95-90

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

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

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

WHEREAS, the City Council finds as follows:

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

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

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

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

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

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

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

1. Definitions.

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

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

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

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

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

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

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

Theodore G. Ensslin, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA

COUNTY OF TULARE

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

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

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

C. G. Huffaker, City Clerk

Georgia Hawley, Deputy City Clerk
EXHIBIT "A"

STORM DRAINAGE FACILITIES IMPROVEMENT FEE
PER ACRE COST

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<td>2. Duplex (R-2)</td>
<td>2054</td>
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<td>3. Multiple Family (R-3 &amp; R-4)</td>
<td>2054</td>
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<tr>
<td>4. Commercial, Industrial and Institutional</td>
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* Adjusted by ENR Construction Cost Index
RESOLUTION NO. 50-98

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

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

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

WHEREAS, the City Council finds as follows:

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

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

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

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

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

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

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

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

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

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

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

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

Judith Ann Gibbons, Mayor

ATTEST:

C. Huffaker, City Clerk
EXHIBIT "A"

TRANSPORTATION IMPACT FEE

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<tr>
<td>1. Single Family (R-1) per unit</td>
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<td>2. Multiple Family (per unit)</td>
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<td>5. Light Industrial (per 1,000 square feet of gross floor area)</td>
<td>$ 180</td>
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+ To be increased annually by the ENR Construction Cost Index
STATE OF CALIFORNIA)
       (SS
COUNTY OF TULARE )

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

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

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<tr>
<th>Councilmen:</th>
<th>IRISH</th>
<th>GURROLA</th>
<th>LEAVITT</th>
<th>CHOATE</th>
<th>GIBBONS</th>
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C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
ORDINANCE NO. 1438

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A WATER FACILITIES FEE FOR ALL NEW DEVELOPMENT WITHIN THE CITY OF PORTERVILLE

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

Section 25-32.3 of the Porterville Municipal Code is amended to read as follows:

Purpose:

In order to implement the goals and objectives of the Water System Master Plan of the City of Porterville, and to provide needed water facilities for new development in the planning area, certain public water facilities must be constructed. The City Council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following Sections, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the Housing Element of the General Plan.

Acreage Fee:

An acreage fee is hereby established on land division, issuance of all building permits for development in the City, or upon connection to the City Water System to pay for water system improvements. The City Council shall, in a Council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building permits or connection to the water system. On an annual basis, this fee shall be adjusted by the Director of Community Development and Services Department in accordance with the "ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX" publication.

Limited Use of Fees:

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to: (a) pay for the City's future construction of water facilities described in the resolution enacted
with this ordinance, or to reimburse the City for those described or listed facilities constructed by the City with funds advanced by the City from other sources, or (b) reimburse developers who have been required or permitted as set forth below, to install such listed facilities which are oversized with supplemental size, length, or capacity.

Section 25-30 of the Porterville Municipal Code is amended to read as follows:

Developer Construction of Facilities:

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, shall be offered. The reimbursement amount (credit against fee) shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the City shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this ordinance.

Section 25-29 of the Porterville Municipal Code is amended in the following respect:

The words "actual demand size" shall be substituted everywhere that the words "a six-inch water line" appears in said section.

This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED AND ADOPTED this ____ day of August, 1990.

Theodore C. Emslie, Mayor

ATTEST:

C. G. Hurst, City Clerk
STATE OF CALIFORNIA
COUNTY OF TULARE

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify that the foregoing ordinance is a full, true and correct copy of Ordinance No. 1438, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 21st day of August, 1990, and that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 20th day of September, 1990, and that said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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<thead>
<tr>
<th>COUNCILMEN</th>
<th>PRUITT</th>
<th>LOK</th>
<th>LEAVITT</th>
<th>GIFFORD</th>
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C. G. HUFFAKER, City Clerk

By: Georgia Hawley, Deputy City Clerk
ORDINANCE NO. 1439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A WASTEWATER FACILITIES FEE FOR ALL NEW DEVELOPMENT WITHIN THE CITY OF PORTERVILLE

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

Section 25-45.1 of the Porterville Municipal Code is amended to read as follows:

Purpose:

In order to implement the goals and objectives of the Wastewater Facilities Master Plan of the City of Porterville, and to provide needed wastewater facilities for new development in the planning area, certain public wastewater facilities must be constructed. The City Council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the Housing Element of the General Plan.

Acreage Fee:

An acreage fee is hereby established on land division, issuance of all building permits for development in the City, or upon connection to the City Sewer System for development in the City, or upon connection to wastewater facilities. The City Council shall, in a Council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building permits or connection to the sewer system. On an annual basis, this fee shall be adjusted by the Director of Community Development and Services Department in accordance with the "ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX" publication.

Limited Use of Fees:

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to: (a) pay for the City's future construction of wastewater facilities described in the resolution
enacted with this ordinance, or to reimburse the City for those described or listed wastewater facilities constructed by the City with funds advanced by the City from other sources, or (b) reimburse developers who have been required or permitted as set forth below, to install such listed wastewater facilities which are oversized with supplemental size, length, or capacity.

Developer Construction of Facilities:

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, shall be offered. The reimbursement amount (credit against fee) shall not exceed the actual cost of the construction of the facility by the developer. In the event the actual construction cost of the facility exceeds the fee required of the development project, the City shall enter into a reimbursement agreement for the cost in excess of the fee required for the project, to be paid from the special account established pursuant to this ordinance.

Section 25-41 (c) is hereby repealed.

This ordinance shall be in full force and effect thirty days from and after its publication and passage.

PASSED AND ADOPTED this ___ day of August, 1990.

Theodore G. Ensslin, Mayor

ATTEST:

C. G. Hoffaker, City Clerk
STATE OF CALIFORNIA

COUNTY OF TULARE

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify that the foregoing ordinance is a full, true and correct copy of Ordinance No. 1439, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 21st day of August, 1990, and that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 20th day of September, 1990, and that said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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<tr>
<th>COUNCILMEN</th>
<th>PRUITT</th>
<th>LOK</th>
<th>LEAVITT</th>
<th>GIFFORD</th>
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C. G. HUFFAKER, City Clerk

By: Georgia Hawley, Deputy City Clerk
ORDINANCE NO. 1440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A STORM DRAINAGE FACILITIES FEE FOR ALL NEW DEVELOPMENT WITHIN THE CITY OF PORTERVILLE

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

Section 19A-40 of the Porterville Municipal Code is amended to read as follows:

Purpose:

In order to implement the goals and objectives of the Storm Drain Master Plan of the City of Porterville, and to provide needed storm drainage facilities for new development in the planning area, certain public storm drain facilities must be constructed. The City Council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described below, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the Housing Element of the General Plan.

Acreage Fee:

An acreage fee is hereby established on land division, issuance of all building permits for development in the City, or upon creation of any additional runoff to the City's storm drain system to pay for storm drainage improvements. The City Council shall, in a Council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this development fee shall be paid by each developer prior to issuance of building permits or upon creation of any additional runoff to the City's storm drain system. On an annual basis, this fee shall be adjusted by the Director of Community Development and Services Department in accordance with the "ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX" publication.

Limited Use of Fees:

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to: (a) pay for the City's future construction of storm drainage facilities described in the resolution
enacted with this ordinance, or to reimburse the City for those
described or listed facilities constructed by the City with funds
advanced by the City from other sources, or (b) reimburse developers who
have been required or permitted as set forth below, to install such
listed facilities which are oversized with supplemental size, length, or
capacity.

Developer Construction of Facilities:

Whenever a developer is required, as a condition of approval of a
development permit, to construct a public facility described in a
resolution adopted pursuant to this section, and when such construction
is necessary to ensure efficient and timely construction of the
facilities network, a reimbursement agreement with the developer and a
credit against the fee, which would otherwise be charged pursuant to
this ordinance on the development project, shall be offered. The
reimbursement amount (credit against fee) shall not exceed the actual
cost of the construction of the facility by the developer. In the event
the actual construction cost of the facility exceeds the fee required of
the development project, the City shall enter into a reimbursement
agreement for the cost in excess of the fee required for the project, to
be paid from the special account established pursuant to this ordinance.

This ordinance shall be in full force and effect thirty days from and after its
publication and passage.

PASSED AND ADOPTED this _____ day of August, 1990.

Theodore G. Ensslin, Mayor

ATTEST:

G. C. Hurlock, City Clerk
STATE OF CALIFORNIA)  
COUNTY OF TULARE  

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify that the foregoing ordinance is a full, true and correct copy of Ordinance No. 1440, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 21st day of August, 1990, and that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 20th day of September, 1990, and that said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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<tr>
<th>COUNCILMEN</th>
<th>PRUITT</th>
<th>LOK</th>
<th>LEAVITT</th>
<th>GIFFORD</th>
<th>ENSSLIN</th>
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</tbody>
</table>

C. G. HUFFAKER, City Clerk

By: Georgia Hawley, Deputy City Clerk
ORDINANCE NO. 1558

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AUTHORIZING A TRANSPORTATION
IMPACT FEE FOR ALL NEW DEVELOPMENT WITHIN THE
CITY OF PORTERVILLE

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

Chapter 20 (Streets and Sidewalks) of the Porterville Municipal Code is amended to include Article VI, Transportation Impact Fee, as follows:

Purpose:

In order to implement the goals and objectives of the Circulation Element of the City’s General Plan and to improve and maintain the level of service of the community’s infrastructure including streets and highways, transit, bicycle/pedestrian facilities, truck routes, and transportation system management strategies, certain public transportation facilities must be constructed or expanded commensurate with growth of the City. The City Council has determined that a transportation impact fee is needed in order to assist in the financing of these public transportation improvements and to pay for new development’s fair share, excluding expansion of existing development, of the construction costs of these improvements. In establishing the fee described below, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City’s housing needs as established in the Housing Element of the General Plan.

Transportation Impact Fee:

A transportation impact fee is hereby established on issuance of all building permits for new development, excluding expansion of existing development, in the City. The City Council shall, in a Council resolution, set forth the specific amount of the fee, described the benefit and impact area on which the transportation impact fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this impact fee shall be paid prior to issuance of building permits. On an annual basis, this fee shall be adjusted by the Director of Community Development and Services Department in accordance with the “ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX” publication.
Limited Use of Fees:

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to: (a) pay for the City's future construction of new or expanded transportation facilities described in the resolution enacted with this ordinance, or (b) reimburse developers who have been required or permitted as set forth below, to install certain transportation facilities as listed in the most recently adopted Circulation Element.

Developer Construction of Facilities:

Whenever a developer is required, as a condition of approval of a development permit, to construct an off-site public transportation facility described in a resolution adopted pursuant to this section, and when such construction is necessary to ensure efficient and timely construction of the transportation facilities network, a reimbursement agreement with the developer may be offered. The reimbursement amount shall not exceed the actual cost of the construction of the facility by the developer. Should the reimbursement amount exceed available funding in the Transportation Impact Fee Account, the developer may enter into a reimbursement agreement with the City with repayment to the developer to be paid from the Transportation Impact Fee Account as funding becomes available.

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED AND ADOPTED this 20th day of May, 1998.

[Signature]
Judith Ann Gibbons, Mayor

ATTEST:

[Signature]
C.G. Hurley, City Clerk
STATE OF CALIFORNIA
   (SS)
COUNTY OF TULARE

I, C. G. HUFFAKER, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance #1558, passed and adopted by the Council of the City of Porterville at an adjourned meeting held on the 20th day of May, 1998, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 19th day of June, 1998, and said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

AYES:        COUNCILMEN:          Irish, Gurrola, Gibbons
NOES:         COUNCILMEN:          None
ABSENT:       COUNCILMEN:          Leavitt
ABSTAIN:      COUNCILMEN:          Choate

C. G. HUFFAKER, City Clerk

By Georgia Hawley, Deputy City Clerk
ORDINANCE NO. 1567

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING A PARK IMPACT FEE FOR ALL NEW RESIDENTIAL DEVELOPMENT WITHIN THE CITY OF PORTERVILLE

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

Chapter 19 (Parks) of the Porterville Municipal Code is amended to include Article 3, Park Impact Fee, as follows:

Purpose:

In order to implement the goals and objectives of the Parks and Recreation Element of the City’s General Plan to acquire and develop park facilities, parks must be constructed or expanded commensurate with growth of the City. The City Council has determined that a park impact fee is needed in order to assist in the financing of these public park improvements and to pay for new development’s fair share, excluding expansion of existing development, of the acquisition and development costs of these improvements. In establishing the fee described below, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 66000.

Park Impact Fee:

A park impact fee is hereby established on issuance of all building permits for new development, excluding expansion of existing development, in the City. The City Council shall, in a Council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the park impact fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationships between this fee and the various types of new development and set forth time for payment. As described in the fee resolution, this impact fee shall be paid prior to issuance of building permits. On an annual basis, the fee shall be adjusted by the Director of Community Development and Services Department in accordance with the “ENGINEERING NEWS RECORD CONSTRUCTION COST INDEX” publication.
Limited Use of Fees:

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to: (a) pay for the City's future acquisition and development of new or expanded park facilities described in the resolution enacted with this ordinance.

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED AND ADOPTED this 19th day of January, 1999.

[Signature]
Judith A. Gibbons, Mayor

ATTEST:

[Signature]
C.G. Emminger, City Clerk
STATE OF CALIFORNIA)  
(COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance #1567, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 19th day of January, 1999, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 18th day of February, 1999, and said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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

C. G. HUFFAKER, City Clerk

By [Signature]  
Georgia Hawley, Deputy City Clerk
EXHIBIT ‘A’

PARK IMPACT FEES

<table>
<thead>
<tr>
<th></th>
<th>Effective Date</th>
<th></th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family (R-1) Δ</td>
<td>$644</td>
<td>$654</td>
</tr>
<tr>
<td>2</td>
<td>Multiple Family Per Unit Δ</td>
<td>$500</td>
<td>$508</td>
</tr>
<tr>
<td>3</td>
<td>Mobile HomesΔ</td>
<td>$361</td>
<td>$367</td>
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</table>

To be increased annually by the Engineering News Record Construction Cost Index.

ΔResolution #2-99 (Establishing ENR Annual Adjustment)
* Based on ENR Index = 8671 dated 03/01/2010
◊ Fees Covered by the Mitigation Fee Act
## TRUNK LINE SEWER FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>8/15/09</th>
<th>7/01/10*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillside Development - per acre (Δ 142-02)◊</td>
<td></td>
<td>$981</td>
<td>$997</td>
</tr>
<tr>
<td>Single Family (R-1) - per acre (Δ 94-90)</td>
<td></td>
<td>$1,797</td>
<td>$1,826</td>
</tr>
<tr>
<td>Duplex (R-2) - per acre (Δ 94-90)</td>
<td></td>
<td>$4,175</td>
<td>$4,242</td>
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<tr>
<td>Multiple Family (R-3 &amp; R-4) - per acre (Δ 94-90)</td>
<td></td>
<td>$9,739</td>
<td>$9,895</td>
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<tr>
<td>Institutional - per acre**(Δ 94-90)</td>
<td></td>
<td>$677</td>
<td>$688</td>
</tr>
<tr>
<td>Commercial &amp; Professional Office - per acre**(Δ 94-90)</td>
<td></td>
<td>$2,538</td>
<td>$2,579</td>
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<tr>
<td>Industrial - per acre**(Δ 94-90)</td>
<td></td>
<td>$10,835</td>
<td>$11,008</td>
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## TREATMENT PLANT FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>8/15/09</th>
<th>7/01/10*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family and Multiple Family - per unit (Δ 67-03)</td>
<td></td>
<td>$2,946</td>
<td>$2,993</td>
</tr>
<tr>
<td>Commercial and Industrial - per sewer connection (Δ 67-03)</td>
<td></td>
<td>$10.53</td>
<td>$10.70</td>
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<tr>
<td>(per gpd)</td>
<td>$2,946.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(per gpd)</td>
<td>$2,993</td>
<td></td>
<td></td>
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</table>

## SEWER CONNECTION CHARGES

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>8/15/09</th>
<th>7/01/10*</th>
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<tbody>
<tr>
<td>Six Inch or Smaller - per foot</td>
<td></td>
<td>$9.70</td>
<td>$9.86</td>
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<tr>
<td>Eight inch - per foot</td>
<td></td>
<td>$12.74</td>
<td>$12.94</td>
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## WATER TRUNK FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>8/15/09</th>
<th>7/01/10*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hillside Development - per acre (Δ 142-02)◊</td>
<td></td>
<td>$1,410</td>
<td>$1,433</td>
</tr>
<tr>
<td>Single Family (R-1) - per acre (Δ 93-90)</td>
<td></td>
<td>$2,941</td>
<td>$2,988</td>
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<tr>
<td>Duplex (R-2) - per acre (Δ 93-90)</td>
<td></td>
<td>$7,363</td>
<td>$7,481</td>
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<tr>
<td>Multiple Family (R-3 &amp; R-4) - per acre (Δ 93-90)</td>
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<td>$17,190</td>
<td>$17,465</td>
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<tr>
<td>Institutional**(Δ 93-90)</td>
<td></td>
<td>$1,919</td>
<td>$1,950</td>
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<tr>
<td>Commercial and Professional Office - per acre**(Δ 93-90)</td>
<td></td>
<td>$2,210</td>
<td>$2,245</td>
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<tr>
<td>Industrial - per acre**(Δ 93-90)</td>
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<td>$16,977</td>
<td>$17,249</td>
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## WATER CONNECTION FEE

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>8/15/09</th>
<th>7/01/10*</th>
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</thead>
<tbody>
<tr>
<td>Connection Charges - per foot</td>
<td></td>
<td>$8.30</td>
<td>$8.43</td>
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## STREET LIGHT FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Effective Date</th>
<th>8/15/09</th>
<th>7/01/10*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple Family - per foot</td>
<td></td>
<td>$2.52</td>
<td>$2.56</td>
</tr>
<tr>
<td>Commercial/Industrial - per foot</td>
<td></td>
<td>$3.18</td>
<td>$3.23</td>
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</table>
**STORM DRAINAGE FEES**

<table>
<thead>
<tr>
<th></th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family (R-1) - per acre (inc. Hillside Dev.) (Δ 95-90)</td>
<td>8/15/09 7/01/10*</td>
</tr>
<tr>
<td>Duplex (R-2) - per acre (Δ 95-90)</td>
<td>$4,845 $4,923</td>
</tr>
<tr>
<td>Multiple Family (R-3 &amp; R-4) - per acre (Δ 95-90)</td>
<td>$6,463 $6,566</td>
</tr>
<tr>
<td>Commercial, Industrial &amp; Institutional - per acre (Δ 95-90)</td>
<td>$9,695 $9,850</td>
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<tr>
<td></td>
<td>$12,922 $13,129</td>
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**FIRE HYDRANT FEES**

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Multiple Family - per foot</td>
<td>8/15/09 7/01/10*</td>
</tr>
<tr>
<td>Commercial/Industrial - per foot</td>
<td>$3.30 $3.35</td>
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<tr>
<td></td>
<td>$4.88 $4.96</td>
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**TRANSPORTATION IMPACT FEES**

<table>
<thead>
<tr>
<th></th>
<th>EFFECTIVE DATE</th>
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</thead>
<tbody>
<tr>
<td>Single Family (R-1) per unit (Δ 50-98)</td>
<td>8/15/09 7/01/10*</td>
</tr>
<tr>
<td>Multiple Family (per unit) (Δ 50-98)</td>
<td>$1,036 $1,053</td>
</tr>
<tr>
<td>General Office / Institutional (per 1,000 sq ft of gross floor) (Δ 50-98)</td>
<td>$701 $712</td>
</tr>
<tr>
<td>Commercial (per 1,000 square feet of gross floor area) (Δ 50-98)</td>
<td>$2,667 $2,710</td>
</tr>
<tr>
<td>Light Industrial (per 1,000 square feet of gross floor area) (Δ 50-98)</td>
<td>$5,074 $5,155</td>
</tr>
<tr>
<td></td>
<td>$756 $768</td>
</tr>
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</table>

**FRONTAGE IMPROVEMENT VALUATION**

<table>
<thead>
<tr>
<th></th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage Improvements are required when the Building Permit valuation is over ◆</td>
<td>8/15/09 7/01/10*</td>
</tr>
<tr>
<td>(Beginning 2/19/04 - over a two-year period)</td>
<td>$18,421 $18,716</td>
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</table>

\*Resolution Establishing ENR Annual Adjustment

◆ Ordinance No. 1644 dated 2-19-04 (includes Annual Adjustment by ENR)

◇ Fees Covered by the Mitigation Fee Act

**Based on ENR Index = 8671 dated 3/01/10

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

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

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

BSR:MKR:vs
MASTER PLAN FACILITY PROJECT LIST
(2002-2009)

City Constructed Master Plan Capital Improvement Projects

- Scenic Heights 300,000 gallon Water Reservoir
- State Route 190 12” Water Main Project
- Granite Hills Street Circulation Project (Water, Storm Drain and Street)
- Jaye Street Water Main (Extension to Well No. 27)
- Well No. 27 (Complete Project)
- Well No. 28 (Drilling Phase)
- Well No. 28 (Pumping Plant Facility Phase)
- F-Gibbons-Main Water Main Project (Extension to Well No. 28)
- Well No. 29 (Drilling Phase)
- Henderson Avenue Reconstruction Project (Water, Sewer, Storm Drain
  & Street)
- Indiana Street Construction Project (Putnam Avenue to Olive Avenue)
- Airport Inter-Tie Project (Sewer and Water)
- Well No. 29 (Pumping Plant Facility Phase)
- Well No. 31 (Drilling Phase)
- West Street Industrial Project (Storm Drain)
- Newcomb Street (Storm Drain)
- Well No. 31 (Pumping Plant Facility Phase)
- Sludge Drying Bed Project (CIEDB Sewer)
- Underhill Percolation Pond (CIEDB Sewer)
- Purchase 320 Acre Hunsaker Property (CIEDB Sewer)
- Waster Water Treatment Plant Facility Monitoring Wells (CIEDB Sewer)
- Effluent Outfall Delivery System (CIEDB Sewer)
- Effluent Pipeline and Land Leveling Project (CIEDB Sewer)
- WWTF Buried Sludge Project (CIEDB Sewer)
- Screening and Grit Equipment Upgrade (CIEDB Sewer)
- Bar Screen Replacement Project (CIEDB Sewer)
MASTER PLAN FACILITY PROJECT LIST
(2002 – 2009)

Developer Constructed Master Plan Capital Improvement Projects

- Granite Hills High School Project (Water and Storm Drain)
- Castlewoods Subdivision Phase 2 (Water)
- Meadow Breeze Subdivision, Phase 1 (Storm Drain)
- Amalene Estates Subdivision, Phase 1 (Water)
- Holy Cross Church Project (Storm Drain)
- Sunrise Villa Subdivision, Phases 2 & 3 (Storm Drain)
- Chelsea Glenn Subdivision, Phase 1 (Water and Sewer)
- Orchard Ridge Subdivision, Phases 1 through 9 (Water, Sewer and Storm Drain)
- River Springs Subdivision, Phase 2 (Water and Storm Drain)
- Riverwalk Marketplace Commercial Center (Streets and Storm Drain)
PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 03-2010 AND DESIGN OVERLAY SITE REVIEW 02-2008, MODIFICATION NO. 1 TO ALLOW FOR THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH WITH SELF SERVE VACUUMS, ON THE SOUTHEAST CORNER OF WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 03-2010 and a modification to Design “D” Overlay Site Review 02-2008 to allow for the development of a drive through car wash with self serve vacuums, on a 1.05± acre vacant site, located on the southeast corner of West Springville Avenue and South Jaye Street. The proposed project site is identified by the General Plan Land Use Map as Retail Centers and Zoned Central Commercial with a Design Review Overlay (C-2 (D)).

BACKGROUND: On February 20, 2007, the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report (EIR) evaluating the development and containing mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot commercial center known as Jaye Street Crossing.

On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used. The project, under the prior approval, includes two Major Buildings (“A & B”) and six (6) building pads. The developer of buildings “C, G, Major A, and Major B” was required to submit final design for City Council’s approval and incorporate the architectural theme, elements, and colors of the commercial center while still allowing some flexibility for tenants.

On January 10, 2010, the applicant submitted an application to the Project Review Committee (PRC) to consider a proposal for a car wash on the site identified as Building “C” in Design “D” Overlay Site Review 02-2008, more specifically the southeast corner of West Springville Avenue and South Jaye Street of the Jaye Street Crossing commercial center. The applicant was informed that in addition to the project site needing a modification to Design “D” Overlay Site Review 02-2008, a Conditional Use Permit (CUP) would be required based on the provisions of Section 801.5(A)(7) of the City’s Zoning Ordinance.

APPROPRIATED/FUNDED CM ITEM NO.
Due to the nature of the applications, Design “D” Overlay Site Review 02-2008, Modification No. 1 cannot be approved without Conditional Use Permit 03-2010. As such, a condition of approval has been included in Design “D” Overlay Site Review 02-2008 requiring the approval of Conditional Use Permit 03-2010 prior to the Design “D” Overlay Site Review.

The proposed project includes three (3) structures (cashier, car wash tunnel and vacuum canopy) with architectural elements and colors consistent with Resolution 49-2008. The car wash tunnel is 4,320± square feet, the cashier building is 360± square feet, and the self serve vacuum canopy is 2,800± square feet.

On March 16, 2010, the Project Review Committee (PRC) reviewed the proposed project and found that it is consistent with the City of Porterville’s General Plan Land Use Policies and Guidelines and the C-2 (D) Zone and other Zoning Ordinance Sections.

RECOMMENDATION: That the City Council:
1) Adopt the draft resolution subject to conditions of approval of Conditional Use Permit 03-2010; and

2) Adopt the draft resolution approving Design “D” Overlay Site Review 02-2008, Modification No. 1.

ATTACHMENT: Complete Staff Report
CONDITIONAL USE PERMIT 03-2010
DESIGN “D” OVERLAY SITE REVIEW 02-2008, MODIFICATION NO. 1
FOR CITY COUNCIL MEETING OF APRIL 6, 2010

APPLICANT: Sam Siam
Alisam Properties, LLC
10724 Wilshire Blvd, Suite 1405
Los Angeles, CA 90024

AGENT: Fred Scott
Scott & Associates
1009 N. Demaree
Visalia, CA 93291

PROJECT DESCRIPTION: The applicant is requesting approval of Conditional Use Permit 03-2010 and a modification to Design “D” Overlay Site Review 02-2008 to allow for the development of a drive through car wash with self serve vacuums, on a 1.05± acre vacant site, located on the southeast corner of West Springville Avenue and South Jaye Street. The proposed project site is identified by the General Plan Land Use Map as Retail Centers and Zoned Central Commercial with a Design Review Overlay (C-2 (D)).

SIZE OF PROPERTY: 1.05± acres

GENERAL PLAN CLASSIFICATION: Retail Centers

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

PRESENT USE: Vacant, undeveloped land, a portion of the approved Jaye Street Crossing commercial center

ENVIRONMENTAL REVIEW:

On February 20, 2007, the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report (EIR) evaluating the development and containing mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot commercial center known as Jaye Street Crossing.
Site Information

<table>
<thead>
<tr>
<th>Project Location</th>
<th>SE corner of Jaye Street and Springville Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use</td>
<td>Vacant</td>
</tr>
<tr>
<td>Access</td>
<td>Jaye Street/Springville Ave</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding</th>
<th>Existing Land Uses</th>
<th>General Plan/Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North:</td>
<td>Sears</td>
<td>City - Retail Centers/C-2(D) (Central Commercial Zone/Design Review Overlay)</td>
</tr>
<tr>
<td>South:</td>
<td>Jaye Street Crossing</td>
<td>City - Retail Centers/C-2(D) (Central Commercial Zone/Design Review Overlay)</td>
</tr>
<tr>
<td>East:</td>
<td>Jaye Street Crossing</td>
<td>City - Retail Centers/C-2(D) (Central Commercial Zone/Design Review Overlay)</td>
</tr>
<tr>
<td>West:</td>
<td>Riverwalk Commercial Center</td>
<td>City - Retail Centers/PD(C) (Precise Development (Central Commercial Zone))</td>
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</tbody>
</table>

Project Details

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required: 21</th>
<th>Provided: 23</th>
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<tbody>
<tr>
<td>Setbacks</td>
<td>Required: N/A</td>
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</tr>
<tr>
<td>Lot Area</td>
<td>1.05± Acres</td>
<td></td>
</tr>
<tr>
<td>Storm Water Retention</td>
<td>City System</td>
<td></td>
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<tr>
<td>Fencing</td>
<td>None</td>
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PROJECT DESCRIPTION/ANALYSIS:

The applicant is requesting approval of Conditional Use Permit 03-2010 and a modification to Design “D” Overlay Site Review 02-2008 to allow for the development of a drive through car wash with self serve vacuums, on a 1.05± acre vacant site, located on the southeast corner of West Springville Avenue and South Jaye Street. The proposed project site is identified by the General Plan Land Use Map as Retail Centers and Zoned Central Commercial with a Design Review Overlay (C-2 (D)).

On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution
were design and architectural features as well as colors and tones of materials to be used. The project, under the prior approval, includes two Major Buildings ("A & B") and six (6) building pads. The developer of buildings "C, G, Major A, and Major B" was required to submit final design for City Council's consent and incorporate the architectural theme, elements, and colors of the commercial center while still allowing some flexibility for tenants.

On January 10, 2010, the applicant submitted an application to the Project Review Committee (PRC) to consider a proposal for a car wash on the site identified as Building "C" in Design "D" Overlay Site Review 02-2008, more specifically the southeast corner of West Springville Avenue and South Jaye Street of the Jaye Street Crossing commercial center. The applicant was informed that in addition to the project site needing a modification to Design "D" Overlay Site Review 02-2008, a Conditional Use Permit (CUP) would be required based on the provisions of Section 801.5(A)(7) of the City’s Zoning Ordinance.

Due to the nature of the applications, Design "D" Overlay Site Review 02-2008, Modification No. 1 cannot be approved without Conditional Use Permit 03-2010. As such a condition of approval has been included in Design "D" Overlay Site Review 02-2008, Modification No. 1 requiring the approval of Conditional Use Permit 03-2010 prior to the Design "D" Overlay Site Review.

The proposed project includes three (3) structures (cashier, car wash tunnel and vacuum canopy) with architectural elements and colors consistent with Resolution 49-2008. The car wash tunnel is 4,320± square feet, the cashier building is 360± square feet, and the self serve vacuum canopy is 2,800± square feet.

The architectural style is Spanish-Mediterranean with plastered walls, columns and a flat roof. The colors and finish of the buildings throughout the project will be soft tones of canvas back (beige), a country cream, kings canyon grey, and spruce pine. These colors and renderings are identified on Attachment 5. "El Dorado Mountain" rock veneer accents will be incorporated into the design of each building along with accent lighting, cornice features, and varied rooflines for architectural variation. The Car Wash Tunnel Building is 4,320± square feet and will orientate towards the interior of the commercial center and continues the unified architectural theme of the Jaye Street Crossing commercial development with large windows and columns facing South Jaye Street (Renderings – Attachment 5). The Cashier Building is 360± square-feet of office space and a supply room which faces West Springville Avenue. The Vacuum Canopy is 2,880± square feet of covered area. The landscaping areas on the property and in public parkway would be permanently maintained with healthy, growing plant material.

The design is consistent with the requirements of the C-2 (D) Zone and other Zoning Ordinance Sections. Parking requirements previously approved for Building "C" were 21. The project exceeds this requirement with 23 parking spaces, including one ADA accessible space. In addition to the proposed parking there will be stacking within the car wash tunnel and the cashier approach. The building height does not exceed the allowed height of 50' and is proposed to be 25'-6". The project exceeds the 5% minimum landscaping requirements along West Springville Avenue, South Jaye Street and throughout the project by providing 9,305 square feet of landscape. The proposed refuse enclosure and loading zone meets City Municipal Code requirements and the circulation within the facility meets Engineering standards. Access to the
facility would be from a common ingress/egress accessible from West Springville Avenue and South Jaye Street. As the project utilizes portions of the surrounding parcel for access, the applicant and adjacent property owner must have signed a reciprocal ingress/egress agreement recorded prior to issuance of building permit.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: January 10, 2010

DATE ACCEPTED AS COMPLETE: March 16, 2010

STAFF RECOMMENDATION:

Staff recommends that the City Council approving the draft resolution for Conditional Use Permit 03-2010, subject to conditions of approval and the draft resolution for Design “D” Overlay Site Review 02-2008, Modification No. 1.

ATTACHMENTS:

1. Locator Map
2. Environmental Impact Report Certification (Resolution 8-2007)
4. Site Plan
5. Elevations/ Color Renderings
6. Landscape Plan
7. Draft Resolution for Conditional Use Permit 03-2010
8. Draft Resolution for Design “D” Overlay Site Review 02-2008, Modification No. 1

Jenni Byers  Project Planner  March 26, 2010  Date
Legend

- Project Site

Land Use / Zoning

Retail Center / C-2 (D)
RESOLUTION NO. 8-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF CERTIFICATION OF AN
ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT 1-2007
(FORMERLY 1-2006 (A)) AND ZONE CHANGE 3-2007 (FORMERLY 1-2006) FOR THAT
10.7± ACRE VACANT SITE LOCATED ON THE NORTHEAST CORNER OF
SOUTH JAYE STREET AND STATE ROUTE 190

WHEREAS: The Final Environmental Impact evaluates the development and land use
changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot
shopping center;

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
February 7, 2006, conducted a public hearing to consider General Plan Amendment 1-2007 and Zone
Change 3-2007 for that 10.7± acre vacant site located on the northeast corner of South Jaye Street
and State Route 190; and

WHEREAS: General Plan Amendment 1-2007, proposes to change the land use map of the
Land Use Element of the General Plan from Industrial to General Commercial; and

WHEREAS: Zone Change 3-2007 proposes to change the present zoning from M-1 (Light
Manufacturing) to C-2 “D” (General Commercial with Design Review Overlay) Zone contingent
upon approval of General Plan Amendment 1-2007; and

WHEREAS: Development of a 75,000± square foot commercial center was evaluated in the
Environmental Impact Report and will subsequently be brought to the City Council for approval.
Prior to the applicant/agent submitting any final map or Conditional Use Permit for processing,
General Plan Amendment 1-2007, and Zone Change 3-2007 would have to be approved; and

WHEREAS: A reconnaissance-level field survey was conducted on September 10, 2004 by
Quad Knopf biologist James W. Jones, Jr. to determine whether special-status plant and animal
species occur on an area which includes the subject site (area between State Route 190 to the south,
Springville Avenue to the north, Jaye Street to the west and an existing Home Depot store and vacant
lot to the east) or if habitats for such species are present in the project area. No Elderberry shrubs,
wetland habitat, or Kit Fox dens were found to exist on the subject site. The biological study was
included by reference into the Initial Study for this project; and

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

1. That an Environmental Impact Report was prepared in accordance with the California
   Environmental Quality Act.
2. That the subject project will not create unmitigatable adverse environmental impacts.

The Environmental Impact Report was evaluated in light of the prepared technical reports, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

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

4. That the Environmental Impact Report prepared for this project was made available for public review and comment for a thirty (30) day review period from November 11, 2005 to December 11, 2005. The agencies and parties that responded were: Matthew Francois, Esq. of Cassidy Shimko Dawson Kawakami; Porterville Parks and Leisure Services; California Department of Water Resources Floodway Protection Section; Caltrans District 6, Office of Transportation Planning; and the San Joaquin Valley Air Pollution Control District. Comments were received at the public hearing in December from John Hale, Daryl Nicholson, Greg Shelton, Ben Ennis, Boyd Leavitt, Dick Eckhoff, and Felipe Martinez. All comments have been responded to in the Final EIR.

5. That the mitigation measures contained in the Environmental Impact Report were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

The reconnaissance-level field survey conducted on September 10, 2004 by Quad Knopf biologist James W. Jones, Jr. determined that there are no Elderberry shrubs, wetland habitat, or Kit Fox dens located on the subject site. Potential impacts to migratory birds associated with the removal of one oak tree on site will be mitigated as described in the mitigation monitoring reporting program or will be avoided through incorporation of the oak tree into site design.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a "de minimis impact" pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

8. That the analysis prepared for this project supporting the Environmental Impact Report reflects the independent judgment of the City of Porterville.

9. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Environmental Impact Report for this project. The
developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Environmental Impact Report prepared for General Plan Amendment 1-2007 and Zone Change 3-2007, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
Table 3-1
Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Impact Number</th>
<th>Developer Initial</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>City Approval</th>
<th>Time Span</th>
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<tr>
<td>Impact #3.1.1: Visual Compatibility</td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.1.1: The north and west elevations of the Porterville Commercial Center will be designed to minimize views of urban development and will be landscaped with trees and shrubbery. A licensed landscape architect will design a landscaping plan to achieve these goals. Outdoor billboards shall be excluded from the site. The design and appearance of retail stores, restaurants, and fueling station structures shall be in conformance with the City's Building codes.</td>
<td>Completed prior to issuance of building permit.</td>
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<td>Impact #3.1.2: Light and Glare</td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.1.2: A lighting plan will be developed by a registered illumination engineer so that lighting levels comply with generally accepted standards. Lighting will be designed to avoid direct exposure of lighting elements and associated glare into adjacent areas. No more than a 0.25 footcandle increase shall be detected offsite on adjacent properties.</td>
<td>Completed prior to issuance of building permit.</td>
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<tr>
<td>Impact #3.3.1: PM_{10} From Construction Activities</td>
<td>San Joaquin Valley Air Pollution Control District</td>
<td>* Mitigation Measure #3.3.1: The optional dust control measures in Tables 3.3-4 and 3.3-5 will be implemented. Enhanced Control Measures – The following measures should be implemented at construction sites when required to mitigate significant PM_{10} impacts (note these measures are to be implemented in addition to Regulation VIII requirements)</td>
<td>During construction period</td>
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  * Limit traffic speeds on unpaved roads to 15 mph; and
  * Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction.
  * Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site
  * Install wind breaks at windward side(s) of construction areas
  * Suspend excavation and grading activity when winds exceed 20 mph*; and
  * Limit area subject to excavation, grading, and other construction activity at any
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<th>Impact Number</th>
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<td></td>
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<td>one time</td>
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* Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002

Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.)

- Use of alternative fueled or catalyst equipped diesel construction equipment
- Minimize idling time (e.g., 10 minute maximum)
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts)

Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002

<table>
<thead>
<tr>
<th>Impact #3.4.1: Special Status Species – Migratory Birds</th>
<th>City of Porterville</th>
<th>Mitigation Measure #3.4.1: The nesting season for avian predators and other migratory birds generally occurs sometime between February 1 and September 15. A pre-construction survey for migratory birds will be conducted prior to construction. If nesting is occurring, construction activities within 250 feet of the nest will not occur.</th>
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<tr>
<th>Impact #3.5.1:</th>
<th>City of Porterville</th>
<th>Mitigation Measure #3.5.1: Should buried cultural resources be discovered during construction, the project contractor shall immediately halt all work within 50-feet of the find until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation measures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American remains to be removed and preserved.</th>
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<tr>
<th>Time Span</th>
<th>City Approval</th>
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Porterville Commercial Center
Final Environmental Impact Report

January 2006
3-3
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<tr>
<th>Impact Number</th>
<th>Developer Initial</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>City Approval</th>
<th>Time Span</th>
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<tbody>
<tr>
<td>Impact #3.11.1: Construction Noise</td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.11.1: Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Also, effective mufflers shall be fitted to gas- and diesel-powered equipment.</td>
<td>Before opening day of project.</td>
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<td>Impact #3.15.1: Increased traffic</td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.15.1: The following mitigation measures are recommended to reduce traffic impacts to a less than significant level:</td>
<td>Before opening day of project.</td>
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<td>Under &quot;Existing plus Approved/Pending Projects plus Project Only&quot; conditions, the following mitigation measures are recommended:</td>
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<td></td>
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<td>1. Springville Avenue/Jay Street intersection: Install a traffic signal. This intersection is projected to operate at LOS &quot;F&quot; conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a &quot;gap&quot; to enter or cross Jay Street (major street). This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS &quot;B&quot; conditions during the AM and PM peak hour periods.</td>
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<td>2. Vandalia Avenue/Jay Street intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS &quot;F&quot; conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS &quot;C&quot; conditions during the AM and PM peak hour periods.</td>
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<td>3. State Route 190/Jay Street intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under &quot;Existing plus Approved/Pending Projects&quot; conditions this intersection is projected to operate at LOS &quot;B&quot; conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS &quot;D&quot; conditions during the AM and PM peak hour</td>
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Porterville Commercial Center
Final Environmental Impact Report

January 2006
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<th>Impact Number</th>
<th>Developer Initial</th>
<th>Responsible Party</th>
<th>Mitigation Measure</th>
<th>City Approval</th>
<th>Time Span</th>
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<td>periods.</td>
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<td>4. <strong>Project Driveways</strong>: It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jaye Street between State Route 190 and Vandalia Avenue is recommended to be a “right turn only” driveway and should provide for a deceleration lane no less than 100 feet in length. For recommended phasing of these mitigation measures please refer to the TIS (Appendix H).</td>
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<td>Impact #3.15.2: Exceeds traffic threshold needed to maintain level of service</td>
<td>City of Porterville</td>
<td>Mitigation Measure #3.15.2: The following mitigation measures are recommended to reduce traffic impacts to a less than significant level: Under “Existing plus Approved/Pending Projects plus Project Only” conditions, the following mitigation measures are recommended:</td>
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<td>5. <strong>Springville Avenue/Jaye Street</strong> intersection: Install a traffic signal. This intersection is projected to operate at LOS “F” conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a “gap” to enter or cross Jaye Street (major street). This intersection is also projected to meet the Caltrans’ Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS “B” conditions during the AM and PM peak hour periods.</td>
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<td>6. <strong>Vandalia Avenue/Jaye Street</strong> intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS “F” conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans’ Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS “C” conditions during the AM and PM peak hour periods.</td>
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<td>7. <strong>State Route 190/Jaye Street</strong> intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under “Existing</td>
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*Porterville Commercial Center*

*Final Environmental Impact Report*

*January 2006*
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<td>plus Approved/Pending Projects’ conditions this intersection is projected to operate at LOS “E” conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS “D” conditions during the AM and PM peak hour periods.</td>
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<td>8. Project Driveways: It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jaya Street between State Route 190 and Vandalia Avenue is recommended to be a “right turn only” driveway and should provide for a deceleration lane no less than 100 feet in length. For recommended phasing of these mitigation measures please refer to the TIS (Appendix H).</td>
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Porterville Commercial Center  
Final Environmental Impact Report  

January 2006  
3-6
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 20th day of February, 2007.

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>
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<tbody>
<tr>
<td>AYES</td>
<td>X</td>
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<td>ABSTAIN</td>
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<td>ABSENT</td>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO. 49-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF "D" OVERLAY REVIEW 2-2008 TO FACILITATE THE DEVELOPMENT OF A ±75,000 SQUARE FOOT COMMERCIAL CENTER TO BE LOCATED AT THE NORTHEAST CORNER OF JAYE STREET AND STATE ROUTE 190 IN THE C-2 (D) (CENTRAL COMMERCIAL – DESIGN OVERLAY REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 2008, reviewed and considered "D" Overlay Site Review 2-2008, to facilitate development of a ±75,000 square foot commercial center to be located at the northeast corner of Jaye Street and State Route 190 in the C-2 (D) (Central Commercial – "D" Overlay Site Review) Zone; and

WHEREAS: On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a ±10.7 acre site with a ±75,000 square foot shopping center.

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

1. That the proposed project is consistent with the General Plan (designated as Retail Centers) and Zoning for the site (C-2 (D) Central Commercial – Design Overlay Site Review).
2. That the design and architectural features of the project are compatible with that of surrounding uses. The commercial center is located along Jaye Street, Vandalia Avenue and Springville Avenue with access from those streets. The landscaping and pedestrian access has been designed for appeal, convenience and ease of access. The colors and tones of materials used are neutral and blend and transition well with the surrounding uses.
3. That the site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaping areas either meet or exceed the minimum requirements which 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 Design Review Site Overlay 2-2008 subject to the following conditions:
1. That the project shall be constructed in accordance with the approved plans and elevations, attached and incorporated herein by reference as Attachments 4-10 to the staff report. Prior to making any modification of exterior design, materials or colors, plans and/or color samples showing the proposed modifications shall be submitted to the Zoning Administrator for approval, and any modifications shall comply with the approved building plans.

Additionally, the architectural design of buildings "C, G, Major A, and Major B" shall be approved by consent of the City Council if the design is architecturally compatible and in compliance with all applicable codes. A unified theme shall be established and maintained for all buildings, signage and accessory amenities to be constructed within the commercial center.

2. The developer is required to implement all mitigation measures incorporated into the project approval as contained in the certified Final EIR (Resolution 8-2007) for the project. A copy of the mitigations measures is attached.


4. 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.

5. The developer/applicant shall convey right of way along Jaye Street and Springville Avenue consistent with the fully executed Right of Entry dated August 21, 2007. The developer/applicant shall also convey additional right of way for the drive approaches constructed on the east side of Jaye Street, north and south of Vandalia Avenue. The City will pay the applicant the fair market value for the right of way described in the Right of Entry dated August 21, 2007 and the additional right of way necessary for the constructed Jaye Street drive approaches.

6. The developer/applicant shall comply with 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. Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.
7. The developer/applicant shall provide a Preliminary Soils Report in accordance with the City's Municipal Code and Standard Specifications prior to issuance of building permits.

8. The developer/applicant shall construct the remaining Springville Avenue frontage improvements in accordance with the adopted Circulation Element and City Standards (arterial width standards) upon development of the northern vacant parcel (APN-260-300-009).

9. The developer/applicant shall construct a looped water system that provides fire flow in accordance with the California Fire Code upon development of the property.

10. The developer/applicant shall repair previously constructed street frontage improvements in accordance with City Ordinance No. 1306. The ordinance will become effective once the Jay Street Corridor Project guarantees lapse.

11. The developer/applicant shall pay their "Pro Rata" share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jayes street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined in the traffic study (Omni-Means, November 2005) or as otherwise mutually agreed upon by all parties and returned to the City Council for approval. A Reimbursement Agreement, adopted by City Council, shall act as the instrument that describes in detail how the developer or assignees will reimburse the City for the completed improvements described in said traffic study.

12. The developer/owner shall proportionally reimburse the City for constructed frontage improvements serving the subject development should the property develop in phases. The formula is as follows:

\[
\text{Phased development (acres)/Entire Commercial Site (acres) x "Pro Rata" Share (\$) = Reimbursement amount}
\]

The "Pro Rata" share will be defined after City Council accepts the completed off-site improvements related to this commercial development and the adjacent westerly commercial project. Staff anticipates an April 15, 2008 acceptance date.

13. Developer/applicant shall pay their proportional share of the sidewalk constructed along Jaye Street, Kesing Street, Poplar Avenue, Vandalia Avenue, and Springville Avenue. The project will require the extension of Springville Avenue sidewalk to the eastern property line.

14. Prior to issuance of any permits, the developer/applicant shall submit for City review and approval a precise grading and drainage plan and dedicate a drainage
easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50).

15. 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.

17. 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.

18. 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 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.

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).
c. 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.

d. 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 reassessed.

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

f. 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.

19. The developer/applicant shall move utility structures that exist within the current and ultimate rights of way (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).

20. The developer/applicant shall provide street lights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. 16000 H.P.S.V. street lights are to be installed along the south side of Springville Avenue at 320 foot intervals. 9500 H.P.S.V. street lights shall be installed along the both sides of Vandalia Avenue at maximum spacing of 160 feet and on the west side Kessing Street at a maximum spacing of 320 feet.

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

22. Provide a barrier curb or other physical barrier acceptable to the Community Development Director between the developed portions of the site and the undeveloped portions of the site. No parking or vehicular circulation is allowed on unpaved portions of the site.

23. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of on-site water mains and fire hydrants for systems not isolated by a detector check valves. Otherwise, the developer/applicant shall construct the pipe
connecting to on-site fire hydrants to City water main standards, detector check included, and shall provide easements for maintenance of the fire hydrants only.

24. 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.).

25. 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.

26. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit a 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.

27. 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.

28. 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 prior to issuance of Certificate of Occupancy.

29. 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.

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

31. The developer/applicant shall install a refuse container enclosure according to City Standards. The enclosure location to be approved by City prior to issuance of building permit. The 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. Developer is encouraged to install an enclosure that would accommodate a solid waste and recyclable container for collection. Trash enclosure shall be architecturally treated to blend with the development.

32. The heritage oak tree at the southeast corner of Jaye & Vandalia is to be retained. An evaluation and report on recommendations for preserving the oak is to be obtained from a qualified arborist. All work within at least twenty-five (25) feet of the trunk is to be included within the arborist evaluation and monitored to ensure the health and vitality of the oak.

33. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.

34. A minimum of 5% of 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 to be a minimum of twenty (20) square-feet in size within the curbed perimeter.

35. 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.

36. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway and State Route 190 frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway/highway 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.

37. Provide consistent landscaping within the area between Kessing and Jaye to provide a minimum of eight (8) feet of planting area for trees and shrubs exceeding four (4) feet in height.

38. 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.

39. Provide designated pedestrian routes between all building storefronts, linked to all
roadway frontage public sidewalks, and through parking lots. Pedestrian routes are to be apart from walking within the vehicular travel ways and compliant with Americans with Disability act requirements. Provide for at least 50% shading of site pedestrian routes, within seven years by tree canopies, or approved architectural features. The project must provide low-level illumination of the walkways.

40. Provide bicycle-parking facilities at each building site to encourage employee and patron use, and provide at least one location of bicycle storage lockers for employees of the site businesses.

41. The project must comply with latest applicable codes.

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

43. 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 less than 20.

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

45. 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.

46. 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.

47. 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.

48. 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.

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

50. 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.
51. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

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

53. 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.

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

55. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix C Table C105.1, Note Number c.

56. That architectural detail be included on all building elevations.

57. That all secondary doors facing Jaye Street and Springville Avenue be painted to match the background color of the building wall in which the door is located and public streets.

58. The developer shall incorporate ground cover, shrubs and trees between buildings and public streets to help soften the transition between buildings and the public right-of-way.

59. All mechanical and electrical equipment must be inside the building and/or screened from public view (ex. #30 and #33 from legend) in a manner that is architecturally compatible with the building. Care must be given to screening equipment, and panels.

60. This project shall conform to the C-2 Zone development standards contained in the Porterville Zoning Ordinance Section 800.

61. Exterior materials and colors shall be specified on the architectural elevations submitted to the Building Division for building permits. Samples of these materials and colors shall also be provided at time of building permit submittal and approved by the Zoning Administrator prior to issuance of building permits.

62. Each trash receptacle shall be stored within a trash enclosure so as not to be visible to public view. The location and access of the receptacles shall be clearly shown on the plans submitted for building permits. The Zoning Administrator shall approve of receptacle storage locations prior to the issuance of building permits.
permits. Trash enclosure shall be architecturally treated to blend with the development.

63. Landscaping plans for all of the commonly maintained areas shall be included in the plans submitted for building permits. The Zoning Administrator shall approve the landscaping plans prior to the issuance of building permits.

64. The detailed site landscaping plan shall substantially comply with the conceptual landscape plan shown on Attachment 4B, and 4C, incorporated herein by reference.

65. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m. Monday through Saturday.

[Signature]
Cameron Hamilton, Mayor

[ATTEST]
John Longley, City Clerk

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

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 3rd day of June, 2008.

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

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<th>P. Martinez</th>
<th>F. Martinez</th>
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JOHN LONGLEY, City Clerk

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT 03-2010 TO ALLOW THE CONSTRUCTION OF A DRIVE THROUGH CAR WASH FOR THAT SITE LOCATED ON THE SOUTHEAST CORNER OF WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET.

WHEREAS: On February 20, 2007, the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report (EIR) evaluating the development and containing mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot commercial center known as Jaye Street Crossing; and

WHEREAS: On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used.

WHEREAS: The developer of buildings “C, G, Major A, and Major B” was required to submit final design for City Council’s consent and incorporate the architectural theme, elements, and colors of the commercial center while still allowing some flexibility for tenants; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of April 6, 2010, reviewed and considered the application material for the proposed car wash to be located on the southeast corner of West Springville Avenue and South Jaye Street, in the Jaye Street Crossing commercial center; and

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

WHEREAS: In conjunction with Design “D” Overlay Site Review 02-2008, Modification No. 1, pursuant to Section 801.5 (Central Commercial Zone) of the Porterville Zoning Ordinance, a car wash may be allowed subject to the approval of a Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan designation of Retail Centers and Zoning for the site which is C-2(D) (Central Commercial – Design Overlay Site Review);

2. Section 801.5 of the Porterville Zoning Ordinance allows for a car wash in the Central Commercial Zone subject to a Conditional Use Permit. Additionally, conditions of approval will ensure adequate development standards are met;

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; and

ATTACHMENT

FIEL NO. 7
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 03-2010 subject to the following conditions:

1. That the applicant/owner shall implement the mitigation measures incorporated into the project approval of the certified Final EIR (Resolution 8-2007) for the project.

2. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2000 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.

3. 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.

4. 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.

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

6. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the Jaye Street frontage, except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

7. The developer/applicant shall construct full-width (25 feet minimum) pavement improvements along the south and east sides of the proposed parcel in accordance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.

8. Construction of Springville Avenue frontage improvements, reimbursement of existing frontage improvements previously constructed by the City, right of way purchases and other pertinent development requirements shall conform to a fully executed agreement between the property owner and the City of Porterville. A copy will be delivered to the developer/applicant upon request.

9. The applicant and adjacent property owner must have signed a reciprocal ingress/egress agreement recorded prior to issuance of building permit.
10. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

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

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

13. 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.).

14. 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.

15. 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.
16. 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.

17. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules are as follows:

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.

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

a. Wastewater Discharge Permit Application, Part “A”

b. 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.

19. An oil, sand, and silt separator with a capacity of at least 1,000 gallons will be required for this car wash development. Calculations will be required at the building permit submittal stage to verify that the interceptor is correctly sized.

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

21. 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.

22. 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.

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

24. 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). 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.

25. A Knox box will be required. A “Grand Master” key that opens all locked areas will also be required and placed inside the Knox Box. An application may be obtained from the Fire Department.

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

27. That the subject site will be developed/maintained in accordance with the plans labeled Exhibit A through D.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________
  Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. _____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL
FOR DESIGN “D” OVERLAY SITE REVIEW 02-2008, MODIFICATION NO. 1 TO
ALLOW THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH
FOR THAT SITE LOCATED ON THE SOUTHEAST CORNER OF
WEST SPRINGVILLE AVENUE AND SOUTH JAYE STREET.

WHEREAS: On February 20, 2007, the City Council adopted Resolution 8-2007
certifying the Final Environmental Impact Report (EIR) evaluating the development and
containing mitigation measures and land use changes necessary to facilitate the development of a
10.7± acre site with a 75,000± square foot commercial center known as Jaye Street Crossing; and

WHEREAS: On June 3, 2008, the City Council adopted Resolution 49-2008 containing
findings and conditions in support of Design “D” Overlay Site Review 02-2008 to facilitate the
development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the
resolution were design and architectural features as well as colors and tones of materials to be
used; and

WHEREAS: The developer of buildings “C, G, Major A, and Major B” was required to
submit final design for City Council’s consent and incorporate the architectural theme, elements,
and colors of the commercial center while still allowing some flexibility for tenants; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of April 6, 2010, conducted a public hearing to consider Modification No. 1 to Design
“D” Overlay Site Review 02-2008 to approve the site plan and final design of Building “C”; and

WHEREAS: In conjunction with Design “D” Overlay Site Review 02-2008,
Modification No. 1, pursuant to Section 801.5 (Central Commercial Zone) of the Porterville
Zoning Ordinance, a car wash may be allowed subject to the approval of a Conditional Use
Permit; and

WHEREAS: Due to the nature of the applications, Design “D” Overlay Site Review 02-
2008, Modification No. 1 cannot be approved without Conditional Use Permit 03-2010. As such,
a condition of approval has been included in Design “D” Overlay Site Review 02-2008,
Modification No. 1 requiring the approval of Conditional Use Permit 03-2010 prior to the Design
“D” Overlay Site Review; and

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

1. That the proposed project is consistent with the General Plan designation of Retail
   Centers and Zoning for the site which is C-2(D) (Central Commercial – Design
   Overlay Site Review ).

ATTACHMENT
ITEM NO. ___
2. That the project incorporated the unified colors and architectural theme as consistent with Design “D” Overlay Site Review 02-2008.

3. That the design and architectural features of the project are compatible with that of surrounding uses. Access to the facility would be from a common ingress/egress, accessible from West Springville Avenue and South Jaye Street. The landscaping and pedestrian access has been designed for appeal, convenience and ease of access. The colors and tones of materials used are neutral and blend and transition well with the surrounding uses.

4. That the site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaping areas either meet or exceed the minimum requirements which 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 Design “D” Overlay Site Review 02-2008, Modification No. 1 subject to the following conditions:

1. That the applicant/owner shall implement the mitigation measures incorporated into the project approval of the certified Final EIR (Resolution 8-2007) for the project.

2. That the applicant/owner shall comply with the Conditions set forth in Design “D” Overlay Site Review 02-2008 (Resolution 49-2008) unless otherwise modified herein.

3. A Master Sign Program must be approved by City Council for the Jaye Street Crossing commercial center prior to issuance of a sign permit for the project.

4. That Design “D” Overlay Site Review 02-2008, Modification No. 1 is contingent upon the approval of Conditional Use Permit 03-2010.

5. Construction of Springville Avenue frontage improvements, reimbursement of existing frontage improvements previously constructed by the City, right of way purchases and other pertinent development requirements shall conform to a fully executed agreement between the property owner and the City of Porterville. A copy will be delivered to the developer/applicant upon request.

6. The applicant and adjacent property owner must have signed a reciprocal ingress/egress agreement recorded prior to issuance of building permit.

7. That any future changes or revision in design which substantially alters the condition or nature of the appearance will require approval by the City Council.
8. That the subject site will be developed/maintained in accordance with the plans labeled Exhibit A through D.

Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: CONSIDERATION OF INITIATION OF PRELIMINARY PROCEEDINGS FOR ANNEXATION NO. 473, ADOPTION OF A NEGATIVE DECLARATION FOR THE PROJECT AND CONSIDERATION OF TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Annexation 473 (uninhabited – less than twelve (12) registered voters) proposes the incorporation of three parcels for a combined ±8.5 acres of land into the City of Porterville. The proposed annexation includes a 16 lot tentative subdivision map, Cottage Estates, on ±4.3 acres of the project area. The project area is generally located on the north side of Westfield Avenue approximately 300 feet east of Indiana Street.

Approval of the annexation would incorporate a proposed ±8.57 acres of land into the City of Porterville. The proposed project site was previously utilized for agricultural purposes (walnut orchard). Over the last twenty plus years the land has been cleared, tilled annually, and remained underutilized. Three residences and a number of storage structures are located on the three (3) parcels in the project, but the greater area of each parcel in the project is not used. The land will maintain a General Plan Low-Density Residential Designation and an R-1 (One-Family) Zoning.

Upon annexation, the City will immediately become responsible for police, fire, and road maintenance services throughout the affected territories. Municipal Planning and Building services will also be provided. The primary purpose for the annexation is to facilitate development of the 16 lot tentative subdivision map and to provide City services to the proposed subdivision.

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

ENVIRONMENTAL: On March 15, 2010, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to the interested agencies, groups and individuals for a twenty (20) day review period from March 17, 2010 to April 5, 2010. As of the writing of this report, no agencies responded.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Annexation 473 and Tentative Subdivision Map 1-2010.

2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

3. Adopt the draft resolution for Tentative Subdivision Map 1-2010 subject to conditions of approval.

ATTACHMENTS:

1. Annexation No. 471 Map

2. Complete Staff Report
ENVIRONMENTAL REVIEW:

On March 15, 2010, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to the interested agencies, groups and individual for a twenty (20) day review period from March 17, 2010 to April 5, 2010. At the end of that period, no agencies have responded.

PROJECT DESCRIPTION/ANALYSIS:

The proposed annexation includes incorporation of three (3) parcels. The initiating parcel, proposes Tentative Subdivision Map 1-2010. Early consultation with the Local Agency Formation Commission (LAFCo) led to the inclusion of the two additional parcels with residences to the east which will reduce a previously created peninsula. At this time the applicant proposes LAFCo’s recommended minimum submittal due to costs associated with the inclusion of more property.

In 2006, the City implemented a major Island Annexation Program which included several corps areas and identified several other areas to be annexed based on a priority and funding basis. At the time of the annexation program, areas one (1) through six (6) of the twenty (20) plus identified areas were incorporated due to funding and timing constraints. Annexation 473 is part of Area #7 on the priority list. Due to funding constraints, and the costs associated with development of the tentative subdivision map, the proposed annexation included only the two easterly parcels adjacent to the proposed subdivision, as required by LAFCo. The Council, if it desires, may require the entire unincorporated remainder of Area 7 to be included in the proposed annexation. If the applicant is required to annex the entire unincorporated area, the City would take on the responsibility of providing City services and infrastructure to the area. At this time the City does not have the funding programmed to include the area beyond the proposed annexation nor the funding that would provide the infrastructure that is lacking in the area.

The Assessor’s roll indicates that all of the property owners are assessed to the 3 lots. Consent from two (2) of the three (3) property owners has been given.

Current water and sewer lines are located in Westfield Avenue. All the existing homes are currently provided water through individual private well systems. A condition of approval states that all new development will connect to City services including water, sewer, and trash services. With exception to the existing residence in the proposed tentative subdivision, the existing homes to the east will maintain their private water wells and septic systems until such time that they fail, at which point the property owners will be required to connect to City services and formally abandon their failed units.

The subject area is located primarily within the Urban Improvement Area Boundary. The Porterville General Plan designates this site for Low Density Residential uses. Upon consummation of the proposed annexation, the subject site will automatically be zoned City R-1 (One-Family Residential) Zone pursuant to Section 110 A-4 of the Porterville Zoning Ordinance and in support of the General Plan.

The parcel line separating Parcels 3 & 4 has a lot depth of 71.24 feet:
Section 21-7 b (lot depth) of the Subdivision Ordinance states the following:

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

Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council makes findings with respect thereto. As a result, Staff has received a letter from the applicant/agent requesting the minimum lot depth of 80 feet for those parcel lines separating Parcels 3 & 4.

The subject site is not located in an agricultural preserve.

**ALTERNATIVES TO THE PROJECT AND THEIR EFFECTS**

1. No Project. Denial of the proposed annexation and tentative map would not allow the project to proceed under the City’s jurisdiction as proposed.

2. Approve the project site in conformance with the General Plan and proposed zone would allow and facilitate orderly development as proposed.

**RECOMMENDATION:** That the City Council:

1. Adopt the draft resolution approving the Negative Declaration prepared for Annexation 473 and Tentative Subdivision Map 1-2010 (Cottage Estates);

2. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo;

3. Adopt draft resolution approving Tentative Subdivision Map 1-2010 subject to the conditions of approval.

**ATTACHMENTS:**

1. Annexation Application
2. “Consent to Annexation” Forms
3. Annexation Maps
4. Existing General Plan Land Use and Zoning/Proposed General Plan Land Use and Zoning
5. Environmental Initial Study
6. Draft Resolution adopting a Negative Declaration for Annexation 473 and Tentative Subdivision Map 1-2010
7. Draft Resolution authorizing Initiation of Preliminary Proceedings and Filing of the Necessary Application for Annexation 473 with LAFCo
8. Draft Resolution approving Tentative Subdivision Map 1-2010
APPLICATION FOR PROPERTY ANNEXATION

Permit Number ___________________ Resolution Number ___________________

CHECK ALL BEING APPLIED FOR:
☑ Infill of a County Island
☐ Full Annexation
☐ Annexation Creating a County Island
☐ Sphere of Influence Amendment
☐ Pre-zoning
☐ General Plan Amendment

Project Name: 718 West Westfield Avenue

Name of Applicant/Agent: Roberts Engineering  Telephone: 559-784-6326
Address of Applicant/Agent: P.O. Box 908, Porterville, CA 93258
Name of Property Owner: Richard Metcalfe  Telephone: 559-333-1958
Address of Owner: 718 West Westfield Avenue, Porterville CA
Project Location (address, cross street): 718 West Westfield Avenue between Indiana and Villa Streets
Assessors Parcel Number(s): 247-016-008

The applicant requests an annexation to use the above-described property for the following purposes:
Residential development

Date of most recent sale of property: 2007

List below the original deed restrictions pertaining to the type of permit requested. (Provide Copy)

None

Date said restrictions expire: N/A

(Please attach a copy of original printed restrictions in answer to this question. Properly underline those features controlling the type and class of uses permitted).

Donna Shimley

ATTACHMENT
ITEM NO.
Application Indemnification Agreement

Project Title: __________________________

Applicant(s) shall indemnify, defend, and hold harmless to the fullest extent of the law, the City of Porterville from and against any claims, actions, or proceedings for damages, losses, attorneys' fees, private attorney general fees and/or costs awarded to any party against the City of Porterville to attack, set aside, void, or annul any findings, resolutions, entitlements, certifications under the California Environmental quality Act ("CEQA") or other environmental review, and approvals by the City of Porterville given in regard to the Project described or identified in this Application and any other related proceedings (hereinafter referred to collectively as "Project" which includes annexations, reorganizations, detachments, dissolutions, formations, mergers, consolidations, sphere of influence amendments and extraterritorial service agreements), or to impose personal liability against such City of Porterville Council Members, officers, employees, agent, or attorneys resulting from their official involvement in any Project proceedings, including any claims, actions or proceedings for any damages, losses attorneys, fees, private attorney general fees and/or awarded to any party and against the City of Porterville.

For the purposes of this Agreement, the term “Applicant” shall include all parties applying for discretionary approval of the Project, including but not limited to the subject agency, or agencies (the district(s) and/or city for which a change of organization or reorganization is proposed), the owner or owners of the property or properties upon which the Project is sited, the developer or developers of the property or properties upon which the Project is sited and the Applicant(s) heir(s), assign(s), and successor(s)-in-interest to which this Agreement applies.

The undersigned Applicant(s) expressly warrant his/her/its/their authority to enter into this Agreement and bind all applicant and parties, including but not limited to the subject agency or agencies, owner or owners of any property or properties upon which the project is sited, the developer or developers of the property of properties upon which the Project is sited and the Applicant(s) heir(s), assign(s) and successor-in-interest. The Applicant(s) having read and considered the above provisions indicate his/her/its/their agreement by their authorized signatures below.

Date: August 6, 2009

By: __________________________

Printed Name: __________________________

Mayor

Attest: __________________________

Printed Name: __________________________

City or District Clerk

ATTACHMENT
ITEM NO. 2
CONSENT TO ANNEXATION

The undersigned property owners, their heirs, successors, and assignees hereby consent to the annexation of their property to the City of Porterville as provided in the Cortese-Knox Local Government Reorganization Act of 1985 and the Codes and Statutes of the State of California. The owners hereby affirm that all successive owners shall be notified in writing of the consent, and no successive owner shall have recourse against the City resulting from this annexation consent.

<table>
<thead>
<tr>
<th>APN of Property to be Annexed</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>247-010-008</td>
<td>718 West Westfield Avenue</td>
</tr>
</tbody>
</table>

Name (type or print)  
T D L P

Signature  

Date:  
Date:  3/5/09

TO

695-704-5339

ROBERTS ENGINEERING

MAR 29 10 02:31P
CONSENT TO ANNEXATION

The undersigned property owners, their heirs, successors and assignees hereby consent to the annexation of their property to the City of Porterville as provided in the Cortese-Knox Local Government Reorganization Act of 1985 and the Codes and Statues of the State of California. The owners hereby affirm that all successive owners shall be notified in writing of the consent, and no successive owner shall have recourse against the City resulting from this annexation consent.

The owner acknowledges by signatures that the City of Porterville has granted privileges and/or services in order to secure this consent and that this document will be duly recorded with the County Recorder.

A.P.N. of Property to be Annexed

247-010-014

Fedele Phil LoMonaco
Name (Type or Print)

Address

672 West Westfield Avenue

Fedele Phil LoMonaco
Signature

Date

3/5/2010
ANNEXATION AREA NO.

Legend

- Proposed Annexation 473
- City Limit Line

Existing Zoning/County R-1-217
Existing Land Use/Single Family Residential
Proposed Zoning/City R-1
Proposed Land Use/Low Density Residential
City of Porterville

Environmental Checklist Form

1. Project title: Annexation 473 (METCO Investments)

2. Lead agency name and address:

City of Porterville
291 N. Main Street
Porterville, CA 93257

3. Contact person and phone number: Jose B. Ortiz

4. Project location: 718 W. Westfield Avenue

5. Project sponsor's name and address:

Richard Metcalfe
718 W. Westfield Avenue
Porterville, CA 93257

6. General plan designation: Low Density Residential

7. Zoning: One Family Residential (R-1)

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) –

The applicant is proposing incorporation of 8.57 acres into the City of Porterville. The annexation will facilitate development of a 16 lot subdivision (Cottage Estates) that is proposed for development into two phases. City of Porterville, municipal water and sewer services to be provided.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

North - City - Developed residential neighborhood.
East - County – Single family residences to be included in the proposed annexation
South - City – Developed Monte Vista Elementary School
West - City - City - Developed residential neighborhood.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) LAFCO, State Board of Equalization,
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature: [Signature]
Date: 3/15/10
Printed name: [Name]
For: [For]
EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

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

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

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

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

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

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance
SOURCE REFERENCE
1 Land Use Element of the Porterville General Plan (2008)
2 Economic Development Element of the Porterville General Plan (2008)
3 Circulation Element of the Porterville General Plan (2008)
4 Housing Element of the Porterville General Plan (2004)
5 Open Space and Conservation Element of the Porterville General Plan (2008)
6 Noise Element of the Porterville General Plan (2008)
7 Public Health & Safety Element of the Porterville General Plan (2008)
8 Parks and Recreation Element of the Porterville General Plan (2008)
9 Airport Master Plan (1990)
10 Porterville Strategic Plan (1992)
11 City of Porterville Subdivision Ordinance (2007)
12 City of Porterville Zoning Ordinance (1998)
13 City of Porterville Local Guidelines for Administering CEQA (1992)
14 Chapter 7, Article XIII of the Porterville City Code (1998)
15 Porterville Urban Area Boundary Biotic Survey (Hansen 1998)
16 Porterville Redevelopment Housing Strategic Plan (1994)
17 City of Porterville Storm Drainage Master Plan (2001)
18 California Building Code (2007)
19 Tulare County Congestion Management Program (1998)
20 City of Porterville Sewer Master Plan (2001)
21 City of Porterville Water Master Plan (2001)
22 City of Porterville Standard Plans and Specifications (2007)
23 San Joaquin Valley Air Pollution Control District Attainment Plan
24 San Joaquin Valley Air Pollution Control District Regulation VII
26 FEMA Flood Insurance Panel 1633 of 2550 (2009)
27 2000 Census Data/Tract and Block group Maps
28 Existing infrastructure and Facilities Capacity
29 California Division of Mines and Geology
30 On-site field inspection (03/04/09)
31 City of Porterville Transit Development Plan
32 Emergency Services Plan- City of Porterville General Plan (2008)
33 City of Porterville Urban Water Management Plan (2008)
36 City of Porterville Noise Ordinance No. 1757 (2009)
37 Historical Location Sites of the City of Porterville General Plan (2008)
Issues:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

1. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista? □ □ □ ☒

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? □ □ □ ☒

c) Substantially degrade the existing visual character or quality of the site and its surroundings? □ □ □ ☒

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? □ □ ☒ □

Responses:

a), b), c): No Impact. The project area is in an area defined by the City of Porterville as an undeveloped residential area, but not as a scenic vista. There are no scenic resources on the site and the project area is not within or adjacent to a State Scenic Highway. The proposed annexation and residential development will be compatible with the existing and future land uses surrounding it, and it will not substantially degrade the existing visual character of the site. The proposed project would develop fallow field area, but would be ultimately consistent with existing development to the north and west of the project area. The development would not obstruct views of the higher foothills and the Sierra Nevada Mountain range further east. Sources: 1, 5 & 35.

d): Less Than Significant Impact. The proposed two phase residential project would include new street and residential lighting within the project area. This lighting would be required to meet City standards and would not adversely affect day or night-time views in the area. Sources: 1, 5 & 35.
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

<table>
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<tr>
<th>Potential Significant Impact</th>
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<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

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

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

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

Responses:

a), b), c): No Impact. The project area is surrounded on north, west, and south sides by the limits. Approximately 85% of the property is fallow land that is tilled annually. A single residence, detached garage, and a storage building occupies the remaining 15%. The property has not been farmed several decades. The area is identified by the General Plan as Low Density Residential with an underlying Zone of R-1 (single family residential) development and would not result in any indirect impact that could result in conversion of farmland to non-agricultural use. Sources: 1 & 35.
IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Response:

a), b), c), d), e), & f): Development of the site will have not any effect on any sensitive habit, species, riparian wetland, or interfere with any established migratory fish or wildlife species corridor or nursery site. Development of the site will not impede on any Habitat Conservation Plan, Natural Community Conservation Plan or other local, regional, or state habitat plan.
V. CULTURAL RESOURCES — Would the project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

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

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

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

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

Response:

a), b), c), d): No Impact. The project area is disked on a regular basis and its farmland uses have been removed. The site is not currently agriculturally productive. One existing residence and several storage structures exist on the subject site. As a result of prior uses, the surface of the site has been significantly disturbed. No known historic, archaeological, or paleontological resources exist on site. In the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist shall be contacted to evaluate any such discoveries. Sources: 4 & 30.
VI. GEOLOGY AND SOILS -- Would the project:

<table>
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<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<td>ii) Strong seismic ground shaking?</td>
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<td>iii) Seismic-related ground failure, including liquefaction?</td>
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<td>iv) Landslides?</td>
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<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
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Response:

a) i, ii, iii, iv, c, d, e) No Impact: The project area is not in the vicinity of any Alquist-Priolo Earthquake Fault Zones as defined by the State Geologist, and would not result in any seismic related impacts. The project area is comprised of stable sandy soils and not subject to landslide, lateral spreading, subsidence, liquefaction or collapse. The project will be fully served by the City wastewater treatment facility, and would not require installation of any septic tanks.

b) Less Than Significant Impact - The project is located on flat land. Therefore, the project will not create any landslide or mudflows. Any future development of the site with single family residential uses would result in ground disturbance through leveling, grading, etc. and absent proper control measures, could contribute to minor soil erosion during construction. The City Engineer will work with the developer to ensure appropriate actions are taken to reduce the potential of impact to less than significant. Development of the site as proposed will result in ground disturbance through leveling, grading, etc. and could contribute to minor soil erosion during construction. Normal project procedures, including the enforcement of a site development plan and other development related conditions of approval would maintain a less than significant impact in regards to erosion. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required. Sources: 29.
VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Response:

a), b), c), d), e), f), g), h): No Impact. The project as proposed will not involve hazardous materials, and the project site is not contaminated. The project is not within the vicinity of an airport or an airstrip. The project will not result in any change or interference with an adopted emergency response plan or evacuation plan. Mandatory conformance with the Porterville Zoning Ordinance and the Porterville weed abatement program will ensure that the project will not expose people or structures to a significant risk of loss due to wildfire. Sources: 7 & 12.
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

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<td>a) Violate any water quality standards or waste discharge requirements?</td>
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<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
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<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<td>f) Otherwise substantially degrade water quality?</td>
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<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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Response:

a), b), c), d), e), f): Less Than Significant- The water quality standards that could be violated by oils, chemicals, and residues conveyed by storm water runoff along streets, driveways, and other impervious surfaces will be minimal with the proposed development.
It is not anticipated that the development of the site as proposed would significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer. The City has recently approved capital projects that would add wells and infrastructure to increase the City’s overall water supply. The proposed use is consistent with the General Plan; the capital water system projects are intended to serve projects such as this, and the impact is therefore less than significant.

Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required. Drainage patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.

The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plan.

g), h), i), j): No Impact: The project site is outside the 100-year flood plain and the Success Dam flood inundation area, as defined by the Army Corps of Engineers. The FIRM Flood Insurance Map 06107C1633, Dated June 16 2009 indicates the site is in Flood Zone X an area determined to be outside the 0.2% annual chance of flooding. The project site is not in an area that could generate seiche or tsunami effects. The site would not be subject to mudflow events.
IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community? ☑  ☐  ☐  ☑  ☑

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ☑  ☐  ☐  ☑  ☑

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ☑  ☐  ☐  ☑  ☑

Response:

a), b), c): No Impact. Porterville’s General Plan designates the subject area for R-1 Zone (Single Family Residential Zone). The proposed project will not disrupt or divide the physical arrangement of an established community in this area. The project as proposed is consistent with the polices and guidelines set forth in the Land Use Element and Circulation Element of the General Plan and the Zoning Ordinance. The project as proposed will not violate any of the existing polices, nor will it conflict with any applicable environmental plans or policies adopted by agencies with jurisdiction over the project. Therefore, no impact will occur. Sources: 1, 2, 3, 4, 12, & 30
X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☒

Response:
a), b): No Impact. There are no known mineral resources on the proposed project area. More than two decades ago the site was part of a walnut orchard. For the past two decades the site had been cleared and tilled annually. One residence occupies the site. Sources: 4.
XI. NOISE -- Would the project result in:

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Response:

a), b): Less Than Significant Impact with Mitigation Incorporation. Development of the site as proposed will result in short-term increases in noise associated with construction equipment. To mitigate the potential impacts, construction activities will be restricted to daytime hours: 7:00 AM to 7:00 PM Monday through Friday and 9:00 AM to 5:00 PM Saturday and Sunday.

c), d): Less Than Significant Impact. There will be a slight increase in noise from additional traffic in the area and general noise from increased population after construction is complete and residential uses are in place and occupied. However, the project site is designated for the proposed use in the City’s General Plan and is consistent with existing and planned adjacent uses. These impacts will be less than significant. Sources: 6.

e), f): No Impact. The project is not within the vicinity of an airport or private airstrip. Sources: 6.
XII. POPULATION AND HOUSING -- Would the project:

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a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Response:

a), b), c): No Impact. Based on the historical growth pattern, it is expected that Porterville's population will continue to grow at about 2.5% annually. The project as proposed will not cause any substantial increase in local population projections; rather, it serves to accommodate the current growth projections. The proposed project will facilitate development envisioned by the General Plan for this area. Further, the project as proposed will maintain existing residence and not require the removal of any existing housing. Sources: 1, 3 & 30.
XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection? ☐ ☐ ☒ ☐
- Police protection? ☐ ☐ ☒ ☐
- Schools? ☐ ☐ ☒ ☐
- Parks? ☐ ☐ ☒ ☐
- Other public facilities? ☐ ☐ ☒ ☐

Response:

a): Less than Significant Impact. Fire, Police, Schools, Parks, and other Public Facilities will experience increased demand resulting from the development of the ±4.32 acre site as proposed. The anticipated increased demand will be marginal, incremental initial impacts on the above referenced services. Sources: 1, 2, 3, 5, 7 & 8.
**XV. TRANSPORTATION/TRAFFIC -- Would the project:**

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

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b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

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e) Result in inadequate emergency access?

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f) Result in inadequate parking capacity?

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g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

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**Response:**

a), b): **Less Than Significant Impact.** Development of the ±4.32 acre site with 16 single-family residential units is anticipated to result in about 100 additional daily vehicle trips. This estimate is derived from the ITE Trip Generation manual – calculations for single family detached housing. The traffic generated within the subdivision will exit from Cottage Street onto Westfield Avenue. Westfield Avenue is a two-lane Collector with the capacity of 12,500 average daily trips (ADT); The increase of trips generated by the proposed project will not reduce the Level of Service in the project area. The project proponent will dedicate right of way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element, and will dedicate and improve the Cottage Street right of way adequate for a minimum of two lanes of traffic and on street parking. Traffic impact fees are assessed for projects of this type to contribute to funding improvements to the overall circulation system as adopted in the Circulation Element of the General Plan. Source: 34.

c), g): **No Impact.** The proposed development was anticipated in the Land Use Element and Circulation Elements of the General Plan and will not conflict with that plan. The project is not within the vicinity of a public airport or private airstrip. Sources: 1,2, 34, & 35.

d), e), f): **Less Than Significant Impact.** Compliance with the City Code will ensure provision of adequate off-street parking. The project will not result in hazards related to design features. Adequate emergency access and parking will be provided in compliance with the City of Porterville’s ordinance and Building Code Regulations that govern development of single-family residential lots. As it is a gated community, Knox Locks will be required on both gates, ensuring emergency access. Sources: 1,2, 34, & 35.
XVI. UTILITIES AND SERVICE SYSTEMS — Would the project:

\[
\begin{array}{cccc}
\text{Potentially Significant Impact} & \text{Less than Significant Impact} & \text{Less than Significant Mitigation Incorporation} & \text{No Impact} \\
\hline
a) & \text{Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?} & \square & \square & \times & \square \\
b) & \text{Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?} & \square & \square & \times & \square \\
c) & \text{Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?} & \square & \square & \times & \square \\
d) & \text{Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?} & \square & \square & \times & \square \\
e) & \text{Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?} & \square & \square & \times & \square \\
f) & \text{Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?} & \square & \square & \square & \times \\
g) & \text{Comply with federal, state, and local statutes and regulations related to solid waste?} & \square & \square & \square & \times \\
\end{array}
\]

\textbf{Response:}

a), b), c), d), e): Less Than Significant Impact. The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plant. Occupation of the project will not be permitted prior to completion of the annexation of land for biosolids spreading. New stormwater drainage facilities will be installed as needed to serve the project. Sources: 30 & 35.

f): No Impact. The City of Porterville disposes of its solid waste at the Tea Pot Dome Disposal Site, southwest of the City. The landfill has sufficient permitted capacity to accommodate the project's solid waste disposal needs. Sources: 28 & 35.

g): No Impact. Refuse removed from the project area will conform to County regulations.
### XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

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a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

a), c): **No Impact.** The project as proposed will have no impact on the quality of the natural environment, individually or cumulatively, and will not have substantial adverse effects on humans either directly or indirectly.

b): **Less than Significant.** The project will not have a cumulative impact on the proposed site or area, as the site had remained primarily vacant and tilled for over two decades. The adjacent a site to the west was developed under the same conditions.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR ANNEXATION 473 AND
TENTATIVE SUBDIVISION MAP 1-2010 (COTTAGE ESTATES) FOR THAT ±8.57 ACRE
SITE GENERALLY LOCATED ON THE NORTH SIDE OF WESTFIELD AVENUE
APPROXIMATELY 300 FEET EAST OF INDIANA STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
April 6, 2010, conducted a public hearing to consider Annexation 473 and 16 lot Tentative
Subdivision Map 1-2010 for that ±8.57 acre site generally located on the north side of Westfield
Avenue approximately 300 feet east of Indiana Street; and

WHEREAS: The existing County R-1 Zoning (Single Family Residential) will be annexed
into the City as R-1 (One Family) Zone for the entire ±8.57 site; and

WHEREAS: Annexation 473 is a proposal to incorporate ±8.57 acres of land into the City
Limits of Porterville. In accordance with the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000, the City Council may authorize filing of the necessary application and
proposal for presenting Annexation No. 473 to the Local Agency Formation Commission (LAFCo)
for its review and approval; and

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

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

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

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

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

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

6. That the environmental analysis prepared for the project supporting the Negative
   Declaration reflects the independent judgment of the City of Porterville.

ATTACHMENT
ITEM NO. 0
RESOLUTION NO._____

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

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

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

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

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

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

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

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

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

ATTACHMENT
ITEM NO. 7
C. The reasons for this proposal are as follows:

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

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

E. The Assessor's roll indicates that approximately 3 property owners are assessed to the 3 lots. Consent from two (2) of the property owners has been given.

F. That the subject site consists of ±8.57 acres developed with three (3) single-family residential dwellings.

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

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

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

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

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

__________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By ____________________________
Patrice Hildreth, Chief Deputy City Clerk
Resolution No. ______________

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

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of
April 6, 2010, conducted a public hearing to consider Annexation 473 and 16 lot Tentative
Subdivision Map 1-2010 for that ±8.57 acre site generally located on the north side of Westfield
Avenue approximately 300 feet east of Indiana Street; and

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

WHEREAS: The existing County R-1 Zoning (Single Family Residential) to the City R-1
(One Family) Zone on that ±8.57 acre; and

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

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

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

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

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

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

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

ATTACHMENT
ITEM NO. 8
7. Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council find the following facts with respect thereto:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Lot corners are marked;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41. The project must comply with latest applicable codes.

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

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

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

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

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

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

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

49. The minimum fire flow for one and two family dwellings having a fire area not exceeding 3,600 square feet shall be 1,000 g.p.m. with 20 p.s.i. residual pressure. One and two family dwelling having a fire area greater than 3,600 square feet shall be 1,500 g.p.m. with 20 p.s.i. residual pressure.
AGENDA: APRIL 6, 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 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.

APPROPRIATED/FUNDED [NB] CM [ ] ITEM NO. [PRA-0]
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 333446, 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.

RECOMMENDATION: That the Porterville Redevelopment Agency:

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.

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; the 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) plan; 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 Section 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
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) plan; 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 Section 33349, 33350, 33361, and 33452.

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, 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 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 6th day of April, 2010.

______________________________
Pete V. McCracken
Chairman, Porterville Redevelopment Agency

ATTEST:

______________________________
John D. Lollis
Secretary, Porterville Redevelopment Agency
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 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 6th day of April, 2010.

Pete V. McCracken
Chairman, Porterville Redevelopment Agency

ATTEST:

John D. Lollis
Secretary, Porterville Redevelopment Agency
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
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
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.

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
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 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.

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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

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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
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

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| 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 ("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/assessees 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
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 33344.5 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 33101.

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;
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 CCRF 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>
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</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>
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<tr>
<td>Project Area</td>
<td>The area which is designated in a redevelopment plan for redevelopment activities to take place.</td>
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<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>
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<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>
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<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>
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<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</td>
<td>The increase in tax revenue over the revenue received from a base year value.</td>
</tr>
<tr>
<td>Tax Increment Method of financing redevelopment through directing incremental tax revenues from other taxing agencies to the redevelopment agency for a specified time period.</td>
<td></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.

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**California Redevelopment Summary**

<table>
<thead>
<tr>
<th>PROGRAM FUNCTION</th>
<th>CALIFORNIA COMMUNITY REDEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding</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>Organization and Control</td>
<td>Local control and administration. The Agency consists of the same people elected to the Porterville City Council.</td>
</tr>
<tr>
<td>Orientation and Activities</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>Purpose</td>
<td>To prevent and eliminate deteriorating and/or inadequate conditions and remedy such conditions.</td>
</tr>
<tr>
<td>Summary</td>
<td>Decision, action and responsibility at the local level.</td>
</tr>
</tbody>
</table>
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 toResolution 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
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 THEREBON

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
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) _____________________________

6/23/90
0326u/2643/001 -9-
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________
SUBJECT: ACCEPTANCE OF PROJECT – STOUT BUILDING SPRAYED POLYURETHANE ROOFING PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Universal Coatings, Inc. has completed the Stout Building Sprayed Polyurethane Roofing Project per plans and specifications. The project included installation of sprayed polyurethane foam roofing system and related appurtenances at the Redevelopment Agency owned Stout Building located at the North West corner of Cleveland Avenue and Hockett Street.

The Redevelopment Agency authorized an expenditure of $15,290.00 for construction. Final construction cost is $14,740.00. Funding is available in the Redevelopment Fund Balance.

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

RECOMMENDATION: That the Redevelopment Agency:

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

ATTACHMENT: Locator Map
AGENDA: APRIL 6, 2010


SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: Overview – In order to more effectively carry out its projects and programs and improve and alleviate the economic and physical conditions of blight within the Porterville Redevelopment Project No. 1 (the “Project” or “Project Area”), the Porterville Redevelopment Agency (the “Agency”) has proposed an amendment (the "2010 Amendment") to the previously amended Redevelopment Plan for the Project (the “Plan”) to: i) include additional territory within the Project Area; ii) reinstate the Agency’s limited eminent domain authority within the Project Area; and iii) modify the Plan’s projects and programs list, as appropriate.

If approved on April 6, 2010, the Agency will authorize the transmittal of the proposed language to be contained within the 2010 Amendment (the “Amended Plan”) to the Planning Commission for its report and recommendation as required by the California Community Redevelopment Law (CCRL; Health and Safety Code Section 33000 et seq.).

Budget Impact - None at this time.

DISCUSSION: Planning Commission Role

Sections 33346 and 33356 of the CCRL provide that, prior to holding a joint public hearing with the City Council on the proposed 2010 Amendment, the Agency shall send the Amended Plan to the Planning Commission for its report and recommendation concerning the Amended Plan and its conformity to the City’s General Plan. The attached Resolution represents the Planning Commission’s “Report and Recommendation” and “Conformity Report” pursuant to CCRL Sections 33346 and 33356.
Further, CCRL Section 33352(j) requires every redevelopment plan (or amendment thereto) to be accompanied by the conformity report required by Government Code Section 65402, which prohibits a local agency (such as the Agency) from acquiring or disposing of real property, constructing or authorizing public buildings or structures, and vacating or abandoning streets until the location, purpose and extent of such activities have been submitted to and reported upon by the planning agency having jurisdiction (in this case, the Planning Commission) as to their conformity with the general plan of the community. The attached Resolution also represents the Planning Commission’s "Conformity Report" pursuant to Government Code Section 65402.

Section 15025(c) of the Guidelines for Implementation of the California Environmental Quality Act (“CEQA”; Public Resources Code Section 21000 et seq.), set forth at Title 14, California Code of Regulations Section 15000 et seq., provides that "[w]here an advisory body such as a planning commission is required to make a recommendation on a project to the decision-making body, the advisory body shall also review and consider the Environmental Impact Report or Negative Declaration in draft or final form." The attached Resolution also evidences the Planning Commission’s review and consideration of the Draft Environmental Impact Report ("DEIR") for the 2010 Amendment and the Amended Plan.

Relevant General Plan Issues

Status of the General Plan

While no specific direction is codified under the CCRL as to the content of the Planning Commission’s report and recommendation, other relevant Sections of the CCRL do provide guidance as to the role of the Planning Commission with respect to redevelopment plan adoptions. CCRL Section 33302 requires that the community preparing a redevelopment plan have a general plan which complies with the requirements set forth in the State of California Government Code, commencing with Section 65300 of Chapter 3 of Division 1 of Title 7 (herein referred to as "Article 5").

The City of Porterville General Plan (the "General Plan") contains all elements required by Article 5, and its housing element, required to be updated on a five year cycle, is in the process of being updated, as required by State Housing Element Law.

Effects of the Redevelopment Plan upon the General Plan

Because the primary purpose of the Project is to provide improvements to address blight in the community, the Amended Plan incorporates the goals and policies of the General Plan. The Amended Plan does not, and cannot, make
any land use changes. Since the Amended Plan proposes no changes to existing development policies, guidelines, and/or standards for properties included in the Project, the development policies, guidelines, and/or standards applicable to the Project, as described in the Amended Plan, are the same as the development policies, guidelines, and/or standards contained in the General Plan.

Finally, Section 519 of the Redevelopment Plan provides that “[a]ll development within the Project Area shall be consistent with the applicable General Plan and Zoning Ordinance, as each may be amended from time to time.” This means that the Amended Plan is in conformance with the General Plan, as it exists now and as it may be amended in the future.

Draft Environmental Impact Report

A CD or Disc with a copy of the DEIR prepared for the 2010 Amendment is included as an attachment to this staff report (hard copies are available for public review at the Community Development counter and the City Clerk’s office) in order to allow Council Members an opportunity to review the DEIR prior to considering the Amended Plan’s conformity with the General Plan.

The purpose of the DEIR is to provide an environmental disclosure document that is available for public review and comment prior to the joint public hearing on the Project, pursuant to the provisions promulgated under CEQA. The DEIR is intended to provide the City Council, Agency, Planning Commission, environmental entities, and general public with an appropriate description and analysis that demonstrates the potential environmental effects of the Project and any measures needed to mitigate potentially significant environmental effects.

The DEIR will remain available for public review and comment until April 29, 2010. Any comments on the DEIR received prior to April 29, 2010, will be included within the final Environmental Impact Report prepared for the Project, which will be considered by the Agency and City Council at the joint public hearing on the Project which has been tentatively set for the regular meeting of the City Council on June 1, 2010.

Although the members of the Planning Commission and the members of the City Council are the same individuals, at this time, the Planning Commission is only being asked to consider the 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 in relation to the General Plan and to make a report and recommendation regarding the 2010 Amendment's conformity to the General Plan. At a later date, Agency staff will present the Amended Plan, the Agency's Report to the City Council, and the Final EIR to the City Council for its consideration. At that time, the City Council will be asked to consider the text of the Amended Plan,
the evidence of blight and urbanization contained in the Agency's Report to the City Council, and the environmental information contained in the Final EIR. Then, the City Council will be asked to consider whether various findings and determinations are appropriate with respect to these documents and will be asked to consider adopting the Amended Plan. Thus, the Planning Commission is not now being asked to consider whether to approve or disapprove the Amended Plan, but only to consider whether the Amended Plan conforms to the General Plan.

RECOMMENDATION: That the Planning Commission adopt the attached Draft Resolution which makes a finding that the proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 is in conformance with the City of Porterville General Plan, and after considering the draft Environmental Impact Report prepared in connection therewith, recommends to the Porterville Redevelopment Agency and the Porterville City Council that the 2010 Amendment be adopted.

ATTACHMENTS

1. Draft Planning Commission Resolution
2. Draft Amended Plan; and
   (Hard copies are available for public review at the Community Development counter and the City Clerk's office)
RESOLUTION NO. _____


WHEREAS, on July 10, 1990, the City Council of the City of Porterville (the “City Council” and “City,” respectively), by its Ordinance No. 1436, adopted the Redevelopment Plan (the “Plan”) for the Porterville Redevelopment Project No. 1 (the “Project” or “Project Area,” as appropriate) pursuant to procedures codified within the California Community Redevelopment Law (CCRL; Health and Safety Code Section 33000 et seq.); and

WHEREAS, the Plan has been amended two times, by Ordinance No. 1504, on December 15, 1994 (to establish certain limits in the Plan in accordance with the requirements of the Community Redevelopment Law Reform Act of 1993), and by Ordinance No. 1655, on July 6, 2004 (to delete territory from the Project Area and eliminate the time limit for the establishment of additional debt, as permitted by Senate Bill 211); and

WHEREAS, in accordance with CCRL Article 12, commencing with Section 33450, the City Council may amend the Plan upon the recommendation of the Porterville Redevelopment Agency (the “Agency”); and

WHEREAS, the Agency and City Council have initiated proceedings for a second amendment (the “2010 Amendment”) to the Plan, as previously amended, to: i) include additional territory within the Project Area; ii) reinstate the Agency’s limited eminent domain authority within the Project Area; and iii) modify the Plan’s projects and programs list, as appropriate and necessary; and

WHEREAS, the City Council acts as the Planning Commission of the City of Porterville and references in this Resolution to the Planning Commission shall mean the City Council acting as the Planning Commission; and

WHEREAS, CCRL Section 33458 provides that prior to the joint public hearing of the Agency and City Council on the 2010 Amendment, the Agency shall submit the proposed changes to the Plan (the “Amended Plan”) to the Planning Commission as provided for in CCRL Section 33453; and

WHEREAS, CCRL Section 33453 provides that if the Agency recommends changes to the Plan which affect the City’s General Plan (the “General Plan”), such changes shall be submitted to the Planning Commission for its report and recommendations to the City Council and that, if the Planning Commission does not report upon the changes within 30 days after such submission by the Agency, the Planning Commission shall be deemed to have waived its report and recommendations concerning the changes; and
WHEREAS, CCRL Section 33356 also provides that the Agency, prior to its joint public hearing with the City Council on the 2010 Amendment, shall submit the Amended Plan to the Planning Commission by the same procedures as provided for in CCRL Section 33346; and

WHEREAS, CCRL Section 33346 provides that prior to its being submitted to the City Council, the Amended Plan shall be submitted to the Planning Commission for its report and recommendation concerning the Amended Plan and its conformity to the General Plan and pursuant to such review, the Planning Commission may recommend to the Agency for or against the approval of said Amended Plan; and

WHEREAS, pursuant to CCRL Sections 33346 and 33453, the proposed changes to the Plan, vis-à-vis the 2010 Amendment, are being submitted to the Planning Commission so that it may make a report and recommendation as to how the changes affect the General Plan and the Plan’s consistency therewith; and

WHEREAS, CCRL Section 33352(j) requires that every redevelopment plan submitted to the City Council be accompanied by the report required by Government Code Section 65402, which provides (in pertinent part):

"(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof."

“(c) A local agency [the Agency] shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof.", and

WHEREAS, the General Plan contains all elements required by Title 7, Chapter 3, Article 5 of the California Government Code (commencing with Section 65300), and its housing element, required to be updated on a five year cycle, is currently in the process of being updated, as required by State Housing Element Law; and

WHEREAS, the General Plan has been incorporated throughout the Amended Plan, particularly Section 519 which provides that “[a]ll development within the Project Area shall be consistent with the applicable General Plan and Zoning Ordinance, as each may be amended from time to time”; and

WHEREAS, the Amended Plan proposes no changes to land use designations, and the land use designations contained in the Amended Plan are the same as those land use designations shown on the adopted land use map of the General Plan; and
WHEREAS, the Amended Plan proposes no changes to existing development policies, guidelines, and/or standards for properties, and development policies, guidelines, and/or standards applicable to the Project, as enforced by the Amended Plan, are the same as the development policies, guidelines, and/or standards contained in the General Plan; and

WHEREAS, if adopted, the Amended Plan will be a tool to be used by the City Council and the Agency to help implement General Plan goals, objectives, and policies; and

WHEREAS, pursuant to Section 15025(c) of the California Environmental Quality Act (CEQA) Guidelines (Public Resources Code Section 21000 et seq., and Title 14, California Code of Regulations Section 15000 et seq.), the Planning Commission shall review and consider the Draft Environmental Impact Report (the "DEIR") prepared for the proposed 2010 Amendment prior to making its report and recommendations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission 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 Planning Commission has reviewed the Amended Plan and the staff report accompanying this Resolution, and hereby finds and determines that the Amended Plan does not affect the General Plan, and furthermore is consistent with the General Plan because the Amended Plan incorporates the General Plan and does not make changes to the land use designations, or to other General Plan land use controls or limitations. The Amended Plan will always conform with the land use designations, the general location and extent of existing and proposed transportation routes and other public facilities and utilities identified in the various elements of the General Plan, housing policies, and other policies contained in the General Plan’s various elements, as they may be amended from time to time.

SECTION 3. Pursuant to Government Code Section 65402, the Planning Commission hereby finds and determines that the location, purpose, and extent of any real property to be acquired by dedication or otherwise for street, public square, park or other public purposes, any real property to be disposed of, any street to be vacated or abandoned and any public buildings or structures to be constructed pursuant to the Amended Plan are in conformity with the General Plan and the City’s Zoning Ordinance.

SECTION 4. The Planning Commission hereby recommends the approval of the Amended Plan by the Agency and adoption of the same by the City Council.

SECTION 5. The Planning Commission has reviewed and considered the DEIR prepared for the 2010 Amendment prior to making these findings.

SECTION 6. The Planning Commission hereby authorizes and directs the officers, employees, staff, consultants and attorneys for the Planning Commission to take any action that may be necessary to effectuate the purposes of this Resolution or which are appropriate or desirable in the circumstances. In the event that prior to the adoption of the Amended Plan, the Agency or City Council desire to make any minor, or technical or clarifying changes to the Amended Plan or any documents related thereto, the Planning Commission hereby finds and determines that any such
minor, technical or clarifying changes need not be referred to it for further report and recommendations.

SECTION 7. The Planning Commission hereby finds and determines that this Resolution shall constitute the report and recommendation of the Planning Commission to the Agency and the City Council concerning the 2010 Amendment pursuant to CCRL Sections 33346 and 33453.

SECTION 8. The Planning Commission hereby authorizes and directs the Secretary of the Planning Commission to transmit a copy of this Resolution to the Agency and the City Council.

PASSED APPROVED AND ADOPTED by the Porterville City Council, sitting as the Porterville Planning Commission, on the 6th day of April, 2010.

ATTEST:
John Lollis, City Clerk

Patrice Hildreth, Chief Deputy City Clerk

__________________________________________
Brian Ward, Vice Mayor
DRAFT
AMENDED AND RESTATED
REDEVELOPMENT PLAN
FOR THE
PORTERVILLE
REDEVELOPMENT PROJECT
AREA NO. 1
PORTERVILLE REDEVELOPMENT AGENCY
Draft

Redevelopment Plan

Prepared for the

Porterville Redevelopment Project Area No. 1

Prepared by:
URBAN FUTURES, INC. REDEVELOPMENT PLANNING

In Cooperation with the:
PORTERVILLE REDEVELOPMENT AGENCY

April 2010
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# Draft Amended and Restated Redevelopment Plan
for the
Porterville Redevelopment Project
Area No. 1

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Porterville Redevelopment Project No. 1

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I. (Sec. 100) GENERAL DEFINITIONS

The following references will be used in this Plan unless the context otherwise requires:

"1994 Amendment" means the technical amendment to the Original Plan, adopted on November 15, 1994 by Ordinance No. 1504, pursuant to CCRL Section 33333.6.

"2010 Amendment" means the 2010 Amendment to the Plan, adopted by Ordinance No. ____, on __________, 2010.

"Added Territory" means the area added to the Amended Project Area by the 2010 Amendment, thereby creating the "Project Area."

"Agency" means the Porterville Redevelopment Agency, a redevelopment agency activated pursuant to CCRL Section 33101 by the City Council.

"Agency Board" means the Board of Directors of the Agency. The members of the Agency Board are also the members of the City Council.

"Amended Plan" means the Original Plan, as amended by the 1994 Amendment and Amendment No. 1.

"Amended Project Area" means the Original Project Area, as amended by Amendment No. 1.

"Amendment No. 1" means the amendment to the Original Plan, as amended by the 1994 Amendment, adopted by the City Council on July 6, 2004, by Ordinance No. 1655. Amendment No. 1 eliminated the time limit on the establishment of loans, advances and indebtedness set forth in the 1994 Amendment and also deleted territory from the Original Project Area.

"Bonds" means bonds, notes, interim certificates, debentures, or other obligations.

"CCRL" or "Redevelopment Law" means the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.).

"City" means the City of Porterville, California.

"City Council" means the City Council of the City.

"County" means the County of Tulare, State of California.

"Family" has the same meaning as specified in the State Relocation Guidelines, Section 6008, and Definitions.

"General Plan" means the General Plan of the City, as it may be amended from time to time.

"Map" or "Project Area Map" means the map of the Porterville Redevelopment Project No. 1, as set forth in Attachment A of this Plan.


"Original Project" means the Porterville Redevelopment Project No. 1, created by the adoption of the Original Plan by Ordinance No. 1436 on July 10, 1990.

"Original Project Area" means the area included within the Original Project.

"Person" means any individual, or any public or private entity.
"Plan" or "Redevelopment Plan" means this Amended and Restated Redevelopment Plan for the Porterville Redevelopment Project Area No. 1, which amends, restates, and supersedes the Amended Plan in its entirety.

"Planning Commission" means the Planning Commission of the City. The members of the Planning Commission are also the members of the City Council.

"Project" means the Porterville Redevelopment Project No. 1, as amended by the 2010 Amendment, and as previously amended by Amendment No. 1.

"Project Area" means the area included within the boundaries of the Project shown on the Map (Attachment A) and more particularly described in the legal descriptions of the Project Area contained in Attachment C.

"State" means the State of California.

"Zoning Ordinance" means the City Zoning Ordinance as it now exists and as it may be amended from time to time.

II. (Sec. 200) INTRODUCTION

This Redevelopment Plan consists of the text (Sections 100 through 900), the Project Area Map (Attachment A) incorporated herein, the General Plan Land Use map (Attachment B) incorporated herein, the legal descriptions of the Project Area (Attachment C) incorporated herein, and the list of Proposed Public Improvements, Projects, and Programs (Attachment D) incorporated herein. This Plan has been considered by the Planning Commission (Resolution No. ________), approved by the Agency (Resolution No. ________), and adopted by the City Council (Ordinance No. ________) pursuant to the CCRL and all applicable laws and ordinances.

Some sections of this Plan specifically refer to and reiterate existing CCRL statutes. In the event that these existing statutes are amended from time to time by the State legislature, causing the Plan to be in conflict with Redevelopment Law, the CCRL will be controlling.

A. (Sec. 201) Purposes and Objectives

The purposes and objectives of this Redevelopment Plan are to help eliminate the conditions of blight existing in the Project Area and to help prevent the recurrence of blighting conditions therein. The Agency proposes to help eliminate such conditions and prevent their recurrence by providing, pursuant to this Plan, for the planning, development, replanning, redesign, clearance, redevelopment, reconstruction and rehabilitation of the Project Area and by providing for such structures and spaces as may be appropriate or necessary in the interest of the general welfare, including, without limitation, recreational and other facilities incidental or appurtenant to them. The Agency further proposes to eliminate the conditions of blight existing in the Project Area and prevent their recurrence by providing for the alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in the Project Area and by providing for open-space types of uses, such as streets and other public grounds and space around buildings, and private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds. The Agency further proposes to eliminate such conditions and prevent their recurrence by providing for the replanning or redesign or development of undeveloped areas and such other actions as may now or hereafter be permitted by law.
The Agency proposes to work with Project Area residential and business communities to encourage and support neighborhood revitalization efforts including creation and implementation of business development and retention projects and programs, and preservation of resources; furthermore, the Agency will work to:

1. Rehabilitate aging downtown commercial buildings to improve their viability for retail use and their appearance, where feasible;

2. Restore and preserve buildings of historic character and significance, where feasible;

3. Provide more conveniently located parking in the downtown retail area;

4. Assemble parcels into larger sites capable of accommodating: (1) major retailers in a shopping center complex located in the downtown area; (2) an entertainment center complex also located adjacent to the downtown; (3) a hotel/convention center; and a multi-modal transit facility;

5. Provide new streetscape and signing in the downtown to improve its image in order to attract more retail shoppers to the area;

6. Provide new infrastructure in the Central Business District to replace aging and substandard infrastructure;

7. Provide improvements to the traffic circulation system following a review by traffic engineers;

8. Provide other improvements necessary to revitalize the Central Business District and assist in carrying out the Main Street Program objectives;

9. Provide a County Civic Center area by assisting in the consolidation of branch office services into a centralized County center;

10. Eliminate patterns of land use which are incompatible and maintain balanced land uses throughout the Project Area;

11. Provide initial infrastructure for industrial development in the approved Sequoia Valley Enterprise Zone and acquire one or more sites in order to attract new industries to the area;

12. Expand existing employment base and create new employment opportunities which will reduce the City’s high rate of unemployment and underemployment;

13. Re-plan portions of the Project Area which are characterized by economically stagnant and improperly and under-utilized properties;

14. Rehabilitate or remove dilapidated and obsolete buildings which negatively influence new development in the vicinity;

15. Provide adequate housing at affordable rates for senior citizens and low and moderate income persons and families;

16. Promote seismic safety measures,

17. Increase, improve, and preserve affordable housing in the community,

18. Provide public infrastructure improvements and community facilities, such as the installation, construction and/or reconstruction of streets, utilities, public buildings, facilities, structures, street lighting, parks, landscaping, and other
improvements which are necessary for the effective redevelopment of the Project Area; and

19. Provide for the rehabilitation of residential, commercial, and industrial structures throughout the Project Area.

Upon adoption, this Plan amends, replaces and supersedes the Amended Plan in its entirety.

III. (Sec. 300) PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated on the Project Area Map contained in Attachment A; and the legal descriptions of the boundaries of the Project Area are as set forth in Attachment C; both of which are attached hereto and incorporated herein.

IV. (Sec. 400) PROPOSED REDEVELOPMENT ACTIONS

A. (Sec. 401) General

The Agency proposes to eliminate and prevent the spread of blight in the Project Area pursuant to the following actions:

1. The rehabilitation, remodeling, demolition or removal of buildings, structures and improvements;

2. Acquisition, installation, development, construction, reconstruction, redesign, replanning, or reuse of streets, utilities, curbs, gutters, sidewalks, street lighting, landscaping, and other public improvements, facilities, utilities or other structures;

3. Acquisition and disposition of real property acquired for uses in accordance with this Plan and managing of any property owned or acquired by the Agency;

4. Development or redevelopment of land in cooperation with private enterprise and/or other public agencies for uses in accordance with this Plan;

5. Construction and improvement of recreational facilities, community facilities, parking facilities and other public facilities;

6. Acquisition, development, construction, rehabilitation or preservation of housing for low and moderate-income families, seniors and other qualifying special needs groups within the community, and the provision of replacement housing, if any is required;

7. Providing for the retention of controls and the establishment of restrictions or covenants running with the land so that property will continue to be used in accordance with this Plan;

8. Management of any property under the ownership and control of the Agency;

9. Financing of the construction of residential, commercial and industrial buildings in conformance with the General Plan, and the mortgage financing of residential, commercial and industrial buildings, as permitted by applicable State and local laws, to increase the residential, commercial and industrial base of the Project Area and community at large, and the number of temporary and permanent jobs within the Project Area and, therefore, the community;
10. Providing relocation assistance to displaced residential and non-residential occupants;

11. Taking any action the Agency determines as necessary and consistent with State, federal and local laws to make structural repairs to buildings and structures, including historical buildings, to meet building code standards related to seismic safety;

12. Taking any action the Agency determines as necessary and consistent with State, federal and local laws to remedy or remove a release of hazard substances on, under or from property within the Project Area or to remove hazardous waste from property;

13. Providing the opportunity for participation by owners and tenants presently located in the Project Area and the extension of preferences to occupants desiring to remain or relocate within the Project Area;

14. Providing for open space;

15. In appropriate cases, rehabilitation of structures and improvements or development of vacant land by present owners, their successors and the Agency for uses in accordance with this Plan;

16. Combining parcels and properties and site preparation and construction of necessary off-site improvements;

17. Assisting in the provision of improvements and enhancement of facilities for affordable housing;

18. Improving and augmenting the community's economic and employment base; and

19. Such other actions as may now or hereafter be permitted by law.

B. (Sec. 402) Property Acquisition

Within the Project Area, the Agency shall have the authority to exercise its power of eminent domain as may be necessary, appropriate, and as permitted in CCRL Section 33342 et seq., in all instances except that this Plan does not authorize the Agency to acquire, by eminent domain, property on which any persons reside.

Eminent domain proceedings must commence within twelve (12) years of the date of adoption of the ordinance approving and adopting the 2010 Amendment. Such time limitation may be extended, and/or other modifications to Agency eminent domain authority codified herein, may be made only by amendment of this Redevelopment Plan. Acquisition of property will generally be achieved by cooperative negotiations between the owner of such property and the Agency.

The Agency may purchase, lease, obtain option upon or otherwise acquire any real property, any interest in real property and any improvements on real property, personal property, or any interest in real and/or personal property, by gift, grants, bequest, devise, exchange, purchase, or any other means authorized by law, except as otherwise excluded above, for the purpose of redevelopment.

Without the consent of the owner, the Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the
agreement unless provision for such acquisition is made in the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee interest.

If required by law, the Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless: (1) such building requires structural alterations, improvement, modernization, or rehabilitation; or (2) the site or lot on which the building is situated requires modification in size, shape, or use; or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

Unless otherwise provided by law, property already devoted to a public use may be acquired by the Agency through eminent domain, but property of a public body shall not be acquired without its consent.

1. **(Sec. 403) Eminent Domain Program**

The Agency's program for the acquisition of real property by eminent domain is hereby described as follows:

a. The Agency may, but is not required to, exercise its authority to acquire real property and real property interests by eminent domain. The Agency may exercise that authority only when the following conditions are met:

   i) The proposed acquisition is necessary to execute this Plan; and

   ii) The real property in the Project Area proposed to be acquired by eminent domain is not of the use excluded from acquisition by eminent domain as prescribed in Section 402; and

   iii) The proposed acquisition is in compliance with all applicable law and regulations, including but not limited to the California Eminent Domain Law, California Code of Civil Procedure Section 1230.010 et seq. ("Eminent Domain Law"); and

   iv) Proceedings to acquire real property or real property interests by eminent domain are commenced within the time periods prescribed under Section 402.

b. The Agency shall offer such participation and reasonable reentry opportunities to owners, business operators, and tenants in the Project Area as are in accordance with this Plan, the CCRL, and the Agency's rules governing participation and reentry, as such rules may be amended from time to time ("Owner Participation Rules").
The Agency shall provide relocation assistance and make all payments in accordance with applicable State law, including but not limited to the State Act (as defined in Section 413 of this Plan) and the State Guidelines (as defined in Section 413 of this Plan). If and when applicable, the Agency shall provide relocation assistance and benefits in accordance with all applicable federal laws and shall comply with the Agency Relocation Guidelines (as defined in Section 413 of this Plan). If the Agency's Own Participation Rules or Agency Relocation Guidelines are amended or superseded subsequent to the adoption of the ordinance approving and adopting the 2010 Amendment, the foregoing description of the Agency's eminent domain program is automatically amended to be consistent with any such amendment or new rules and no amendment of this Plan shall be required.

C. (Sec. 404) Participation by Owners and Tenants

1. (Sec. 405) Owner and Tenant Participation Opportunities

As provided for in Sections 33339 and 33339.5 of the CCRL, the Agency shall extend a reasonable opportunity to owners of real property in the Project Area to participate in the redevelopment of the Project Area if they otherwise meet the requirements prescribed by this Plan as more fully provided in the Owner Participation Rules promulgated by the Agency, which rules may be amended from time to time. The Agency shall extend reasonable preference to persons who are engaged in businesses in the Project Area to re-enter into business therein if they otherwise meet the requirements prescribed by this Plan as more fully provided in the Owner Participation Rules promulgated by the Agency, which rules may be amended from time to time.

The Agency desires participation in redevelopment by as many owners and business tenants as reasonably feasible. However, participation opportunities shall necessarily be subject to and limited by such factors as: i) the construction or expansion of public improvements and facilities, and the need to assemble parcels for such; ii) the elimination and changing of some land uses; iii) the construction, realignment, abandonment, widening, opening and/or other alteration or elimination of streets or other rights-of-way; iv) the removal, relocation, and/or installation of public utilities and public facilities; v) the ability of the Agency and/or owners to finance acquisition and redevelopment in accordance with this Plan; vi) development experience; the need, as reasonably determined by the Agency, to assemble and redevelop multiple parcels in separate ownership for public and/or private development in accordance with this Plan; and vii) any reduction in the total number of individual parcels in the Project Area.

2. (Sec. 406) Participation Agreements

The Agency may request that each person desiring to participate in redevelopment, pursuant to this Plan, enter into a binding agreement by which the participant agrees to rehabilitate, develop or use the participant's property in conformance with this Plan and be subject to the provisions hereof and such other provisions and conditions to which the parties may agree. In the agreement, whenever it is
appropriate to do so, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties. In the event a participant breaches the terms of an owner participation agreement, the Agency may declare the agreement terminated or may enforce compliance or restitution pursuant to the terms of the agreement or pursue any other remedies provided for in the agreement. In the event the Agency is not directly involved in the development of a particular property, a participation agreement may not be required. The determination of whether or not a participation agreement is required shall be made by the Executive Director of the Agency or his or her designated representative whose decision, subject to an appeal to the Agency Board, shall be final.

Whether or not a potential participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

3. (Sec. 407) Certificate of Conformance

As an alternative to requiring a participation agreement for each property not to be purchased or subject to Agency acquisition by eminent domain, the Agency is authorized to make determinations of those properties which conform to this Plan. If such determination is made by the Agency, the Agency may issue a Certificate of Conformance to qualifying properties. The Certificate of Conformance may include conditions as necessary or appropriate to carry out this Redevelopment Plan.

D. (Sec. 408) Cooperation with Public Bodies

Certain public bodies are authorized by federal or State law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency shall seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency. To the extent permitted by law, the Agency may impose on all public bodies the planning and design controls contained in and authorized by this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan.

E. (Sec. 409) Property Management; Property Tax Allocation; In Lieu Payments

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. The Agency may rent or lease, maintain, manage, operate, repair and clear real property of the Agency. The Agency may insure or provide for the insurance of any real property or personal property of the Agency and provide for the insurance of any operations of the Agency against risk of hazards. All such actions shall be pursuant to such policies as the Agency may adopt.
As provided for in Section 33401 of the CCRL, the Agency may in any year during which it owns property in the Project Area that is tax exempt pay directly to any city, county, city and county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon the property had it not been exempt, an amount of money in lieu of taxes that may not exceed the amount of money the public entity would have received if the property had not been tax exempt.

The Agency will comply with the requirements of Section 33607.5 of the CCRL.

F. (Sec. 410) Relocation of Persons Displaced by the Project

1. (Sec. 411) Relocation Housing Requirements

To the extent required under Section 33411.1 of the CCRL, no persons or families of low and moderate income shall be temporarily or permanently displaced from housing facilities in the Project Area unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace such person or family until such housing units are available and ready for occupancy. Permanent housing facilities shall be made available within three years from the time occupants are displaced. Pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

2. (Sec. 412) Replacement Housing Plan

To the extent required by Section 33413.5 of the CCRL, except as otherwise permitted by law, not less than thirty days prior to the execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low and moderate income housing market, the Agency shall adopt by resolution a replacement housing plan, pursuant to Section 33413.5 of the CCRL.

Except as otherwise permitted by law, the replacement housing plan shall include: (1) the general location of housing to be rehabilitated, developed or constructed pursuant to Section 33413 of the CCRL; (2) an adequate means of financing such rehabilitation, development or construction; (3) a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained; (4) the number of dwelling units housing persons and families of low or moderate income planned for construction or rehabilitation; and (5) the timetable for meeting the plan's relocation, rehabilitation and replacement housing objectives. A dwelling unit whose replacement is required by Section 33413 but for which no replacement housing plan has been prepared, shall not be destroyed or removed from the low and moderate income housing market until the Agency has by resolution adopted a replacement housing plan.
Nothing in this section shall prevent the Agency from destroying or removing from the low and moderate income housing market a dwelling unit which the Agency owns and which is an immediate danger to health and safety. The Agency shall, as soon as practicable, adopt by resolution a replacement housing plan with respect to such dwelling unit.

3. (Sec. 413) Relocation Benefits and Assistance

In accordance with the provisions of the California Relocation Assistance Act (Government Code Section 7260 et seq.) (State Act), the CCRL, the guidelines adopted and promulgated by the California Department of Housing and Community Development to implement and interpret the State Act (Chapter 6 of Title 25 of the California Code of Regulations, beginning with Section 6000 ("State Guidelines") to the extent consistent with the California Relocation Assistance Act, and the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Agency ("Agency Relocation Guidelines"), the Agency shall provide all relocation benefits and assistance required by law. Such relocation assistance shall be provided in the manner required by Agency Relocation Guidelines as they may be amended from time to time. If and when applicable, the Agency shall provide relocation assistance and benefits in accordance with Federal law, including but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C., Section 4601 et seq.)(the "Federal Act") and the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Regulations (49 Code of Federal Regulations, Part 24, beginning with Section 24.1; the "Federal Guidelines"). The Agency may provide additional benefits or payments as it may deem appropriate from available funds to implement the objectives of this Plan and to alleviate hardship. Relocation shall be conducted in accordance with all applicable CCRL provisions.

G. (Sec. 414) Demolition, Clearance, Public Improvements, Building and Site Preparation, and Removal of Hazardous Waste

1. (Sec. 415) Demolition and Clearance

The Agency may demolish, clear or move buildings, structures, or other improvements from real property as necessary to carry out the purposes of this Plan.

2. (Sec. 416) Public Improvements

To the extent permitted and in the manner required by law, the Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements include, but are not limited to the following: parking lots or structures, over or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, flood control facilities, natural gas distribution systems, water distribution systems, landscaping, parks, plazas, playgrounds, education facilities, police and fire fighting facilities, and any buildings, structures or improvements necessary and convenient to the full development of any of the above. A list of possible projects is set forth in Attachment D. The list set forth in Attachment D is
Illustrative but not exhaustive; the location, cost and description of improvements is subject to flexible application to the greatest extent allowable to achieve the greatest public benefit and to best achieve the objectives of this Plan.

As provided for in Section 33445 of the CCRL, the Agency, with the prior consent of the City Council, may pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned and located either inside or contiguous to the Project Area upon a determination of the City Council: (1) that such buildings, facilities, structures and other improvements are of benefit to the Project Area by helping to eliminate blight within the Project Area or provide housing for low- or moderate-income persons, (2) that no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the City; and (3) that the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements is consistent with the Agency’s implementation plan adopted pursuant to Section 33490 of the CCRL.

As provided for in Section 33445.1 of the CCRL, the Agency, with the prior consent of the City Council, may pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned and located in a portion of the City that is outside and not contiguous to the Project Area if the City Council finds, based upon substantial evidence, all of the following: (1) the acquisition of the land or the installation of such buildings, facilities, structures, or other improvements are of primary benefit to the Project Area; (2) the acquisition of the land or the installation of such buildings, facilities, structures, or other improvements benefits the Project Area, or will directly assist in the provision of housing for low- or moderate-income persons; (3) no other reasonable means of financing the acquisition of the land or the installation or construction of such buildings, facilities, structures, or other improvements are available to the City including, but not limited to, general obligation bonds, revenue bonds, special assessment bonds, or bonds issued pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code); (4) the payment of funds for the acquisition of land or the cost of such buildings, facilities, structures, or other improvements is consistent with the implementation plan adopted pursuant to Section 33490 of the CCRL; and (5) the acquisition of land and the installation of each building, facility, structure, or improvement is provided for in the Redevelopment Plan.

When the value of such land or the cost of the installation and construction of such building, facility, structure or other improvement, or both, has been, or will be, paid or provided for initially by the City or other public corporation, the Agency may enter into a contract with the City or other public corporation under which it agrees to reimburse the City or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure or other improvement, or both, by periodic payments over a period of years. Any obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purpose of carrying out this Plan.

The Agency shall not pay, either directly or indirectly, with tax increment funds the construction or rehabilitation of a building that is, or that will be used as a city
hall or county administration building unless meeting those exceptions prescribed in Section 33445(g)(2) of the CCRL, or unless otherwise permitted by law.

3. (Sec. 417) Preparation of Building Sites

The Agency may develop, or cause to be developed, as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation, or construction of parking facilities, streets, utilities, parks, playgrounds and other public improvements necessary for carrying out this Plan in the Project Area. The Agency may construct, or cause to be constructed, foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings.

4. (Sec. 418) Removal of Hazardous Waste; Removal of Graffiti

As provided for in Chapter 4 Article 12.5 of the CCRL, the Agency may, by following all applicable procedures provided by law, within the Project Area, take any actions which the Agency determines are necessary and which are consistent with other State and federal laws to remedy or remove a release of hazardous substances on, under or from property within the Project Area.

As provided for in Section 33420.2 of the CCRL, the Agency is authorized to take any actions that it determines are necessary to remove graffiti from public or private property upon making a finding that, because of the magnitude and severity of the graffiti within the Project Area, the action is necessary to effectuate the purposes of this Plan, and that the action will assist with the elimination of blight as defined in Sections 33030 and 33031 of the CCRL.

H. (Sec. 419) Rehabilitation and Moving of Structures by the Agency and Seismic Repairs

1. (Sec. 420) Rehabilitation and Conservation

The Agency is authorized to advise, encourage, and with the consent of the owner, assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, buildings or structures in the Project Area. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

It shall be the purpose of this Plan to allow for the retention of as many existing businesses as practicable and to add to the economic life of these businesses by a program of voluntary participation in their conservation and rehabilitation. The Agency is authorized to conduct a program of assistance and enforcement to encourage owners of property within the Project Area to upgrade and maintain their property consistent with this Plan and such standards as may be developed for the Project Area.
The extent of rehabilitation and new development in the Project Area shall be subject to the following limitations:

a) The rehabilitation must be compatible with land uses as provided for in this Plan.

b) Rehabilitation and conservation activities must be carried out in an expeditious manner and in conformance with the requirements of this Plan and such property rehabilitation standards as may be adopted by the Agency.

c) Rehabilitation shall not take place where it would conflict with the expansion of public improvements, facilities, and utilities.

d) Rehabilitation shall not take place where it would conflict with the assembly and development of properties in accordance with this Plan.

The Agency may adopt design standards for the rehabilitation of properties in the Project Area. The Agency shall not assist in the rehabilitation or conservation of properties or improvements which, in its opinion, are not economically and/or structurally feasible.

2. (Sec. 421) Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building, or any substandard structure or building which can be rehabilitated, to a location within or outside the Project Area.

3. (Sec. 422) Seismic Repairs

For any project undertaken by the Agency within the Project Area for building rehabilitation or alteration in construction, the Agency may, by following all applicable procedures then provided by law, take those actions which the Agency determines are necessary and which are consistent with local, State, and federal law, to provide for seismic retrofit.

I. (Sec. 423) Property Disposition and Development

1. (Sec. 424) Real Property Disposition and Development

a. (Sec. 425) General

The Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber or otherwise dispose of any interest in real or personal property. As more fully provided in Section 33433 of the CCRL, and unless otherwise permitted by law, no real property owned by the Agency, or any interest therein, shall be sold or leased to a private person or private entity for an amount less than its fair market value at its highest and best use in accordance with the Plan, or its fair reuse value at the use and
with the covenants, and conditions and development costs authorized by the sale or lease, as found and determined by the City Council.

In the manner required and to the extent permitted by law, the Agency is authorized to dispose of real property by negotiated leases or sales without public bidding. Except as otherwise permitted by law, all real property acquired by the Agency in the Project Area, except property conveyed by it to the City or any other public body, shall be sold or leased to persons or entities for redevelopment and for uses permitted in this Plan. Real property may be conveyed by the Agency to the City or any other public body in accordance with the CCRL.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan. During the period of development in the Project Area, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

All purchasers or lessees of property shall be obligated to use the property for the purposes designated by this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan. In the manner required and to the extent permitted by law, before any property of the Agency acquired in whole or in part, directly or indirectly, with tax increment monies is sold or leased for development pursuant to this Plan, such sale, lease or other disposition shall first be approved by the City Council after a public hearing held in accordance with the provisions of Section 33433 of the CCRL.

All development, whether public or private, must conform to this Plan and all applicable federal, State, and local laws, including without limitation the General Plans and Zoning Ordinances, building, environmental and other land use development codes and standards; and must receive the approval of all other appropriate public agencies.

b. (Sec. 426) Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan. Leases, deeds, contracts, agreements and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.
The Agency shall obligate lessees and purchasers of real property acquired in redevelopment projects and owners of property improved as a part of a redevelopment project to refrain from restricting the rental, sale, or lease of the property on any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain or be subject to such nondiscrimination and non-segregation clauses as are required by law, including Section 33436 of the CCRL.

c. (Sec. 427) Development of Publicly Owned Improvements

To the greatest extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement as provided for in Section 416 and/or Attachment D hereto either within or outside the Project Area for itself or for any public body or entity to the extent permitted by Sections 33445 and 33445.1 of the CCRL. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures or other improvements (within, contiguous to, or outside the Project Area) to the extent permitted by law.

2. (Sec. 428) Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

J. (Sec. 429) Provision for Low and Moderate Income Housing

1. (Sec. 430) Definition of Terms

The terms "affordable housing cost," "affordable rent," "replacement dwelling unit," "persons and families of low or moderate income" and "lower income households," "very low income households" and "extremely low income households" as used herein shall have the meanings as defined by the CCRL, and other State and local laws and regulations pertaining thereto as may be amended from time to time.

2. (Sec. 431) Authority Generally

The Agency may, inside or outside the Project Area, acquire land, donate land, improve sites, construct or rehabilitate structures, or take any other such actions as may be permitted by the CCRL in order to provide housing for persons and families of low- or moderate-income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining affordable housing within the community.
3. (Sec. 432) Replacement Housing

To the extent required by Sections 33413 and 33413.5 of the CCRL, except as otherwise permitted by law, whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of a redevelopment project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable housing costs within the territorial jurisdiction of the Agency, in accordance with the provisions of Sections 33413 and 33413.5 of the CCRL.

4. (Sec. 433) New or Rehabilitated Dwelling Units Developed Within the Project Area

To the extent required by Section 33413(b)(1) of the CCRL, except as otherwise permitted by law, and prior to the termination of the effectiveness of this Plan pursuant to the time limit set forth in Section 900 hereof, at least thirty percent (30%) of all new and substantially rehabilitated dwelling units developed by the Agency shall be available at affordable housing cost to, and occupied by, persons and families of low and moderate income; and of such thirty percent (30%), not less than fifty (50%) thereof shall be available at affordable housing cost to, and occupied by, very low income households.

To the extent required by Section 33413(b)(2)(A)(i) of the CCRL, except as otherwise permitted by law, and prior to the termination of the effectiveness of the Plan pursuant to the time limit set forth in Section 900 hereof, at least fifteen percent (15%) of all new and substantially rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be available at affordable housing cost to, and occupied by, very low income households.

To the extent required by Section 33413(b)(3) of the CCRL, except as otherwise permitted by law, the percentage requirements set forth in this Section 433 shall apply in the aggregate to housing developed by the Agency or developed within the Project Area and not to each individual case of rehabilitation, development or construction of dwelling units, unless the Agency determines otherwise.

To the extent required by Section 33411.3 of the CCRL, except as otherwise permitted by law, whenever any low- or moderate-income housing units are developed within the Project Area, and whenever any low- or moderate-income housing units are developed with any Agency assistance, or pursuant to CCRL Section 33413, the Agency shall require, by contract or other appropriate means, that the housing be made available for rent or purchase to the persons of low and moderate income displaced by implementation of the Project. Those persons and families shall be given priority in renting or buying that housing; however, failure to give such priority shall not affect the validity of title to the real property upon which
such housing units have been developed. The Agency shall keep a list of persons and families of low and moderate income displaced by implementation of a redevelopment project who are to be given priority and may establish reasonable rules for determining the order of priority on that list.

To satisfy percentage requirements established in this section, the Agency may purchase, or otherwise acquire or cause by regulation or agreement the purchase or other acquisition of, long-term affordability covenants on multifamily units that restrict the cost of renting or purchasing those units that either: (1) are not presently available at affordable housing cost to persons and families of low or very low income households, as applicable; or (2) are units that are presently available at affordable housing cost to this same group of persons or families, but are units that the Agency finds, based upon substantial evidence, after a public hearing, cannot reasonably be expected to remain affordable to this same group of persons or families. The Agency may also satisfy such requirements by any means legally available that are not expressly prohibited by this Plan.

The Agency may adopt and impose upon individual properties and developments in the Project Area reasonable rules, regulations and procedures to implement the requirements of this Section 433.

5. **(Sec. 434) Duration of Dwelling Unit Availability**

Except as otherwise permitted by law, the Agency shall require that all dwelling units rehabilitated, developed or constructed pursuant to Section 433 shall remain available for persons and families of low and moderate income to the extent and for the period(s) required by Sections 33334.3(f)(1) and 33413 of the CCRL.

6. **(Sec. 435) Relocation Housing**

If insufficient suitable housing units are available in the City for use by persons and families of low and moderate income displaced by the Project, the Agency may, to the extent of that deficiency, direct or cause the development, rehabilitation or construction of housing units within the community, both inside and outside of the Project Area.

7. **(Sec. 436) Tax Increment Funds**

To the extent required by Section 33334.6 of the CCRL, unless certain findings are made, and to the extent required by CCRL Section 33334.2(a), not less than twenty percent (20%) of all taxes that are allocated to the Agency, pursuant to CCRL Section 33670, shall be used by the Agency for the purpose of increasing, improving and preserving the community's supply of low- and moderate-income housing available at an affordable housing cost to persons and families of lower- or moderate-income, lower-income households, very low-income households and extremely low-income households.
V. (Sec. 500) USES PERMITTED IN THE PROJECT AREA

A. (Sec. 501) Project Area Map

Attachment A illustrates the Project Area boundaries, the immediately adjacent streets, and existing public rights-of-way and public easements. Attachment B illustrates land uses and street layouts currently permitted by the General Plan in the Project Area. The land uses permitted by this Plan shall be those permitted by the General Plan and Zoning Ordinance as they each exist now or as they may hereafter be amended from time to time.

B. (Sec. 502) Public Uses

1. (Sec. 503) Public Rights-of-Way

The public street system in the Project Area shall be developed in accordance with the General Plan as it may be amended from time to time. Streets may be widened, altered, abandoned, repaired, or closed as necessary for property development within the Project Area.

It is contemplated that the Agency will construct, or aid in the construction of, certain streets designated in the Plan which are not now constructed or which may require further widening or improvement. The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained or erected.

2. (Sec. 504) Other Public Uses

Parking, open space, public and semi-public uses may be interspersed with other uses in any area.

C. (Sec. 505) Other Public, Semi-Public, Institutional, and Nonprofit Uses

The Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, parking facilities, libraries, educational, fraternal, employee, philanthropic, and charitable institutions, utilities, multi-model transit facilities, and facilities of other similar purposes, associations or organizations. All such uses shall conform to the General Plan, as it may be amended from time to time.

D. (Sec. 506) Nonconforming Uses

The Agency is authorized, but not required, to permit existing nonconforming uses to remain in an existing building, provided that such use is generally compatible with the developments and uses in the Project Area and is in conformance with applicable City regulations.

The Agency may, but shall not be required to authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the
determination of the Agency, such improvements would be compatible with surrounding uses and development.

E. (Sec. 507) Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses not in conformity with the uses permitted in this Redevelopment Plan. Such interim uses, however, shall conform to all applicable City codes.

F. (Sec. 508) General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and limitations of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan and all applicable laws, codes and ordinances as each may be amended from time to time. The Agency reserves the right to condition any development which requires a building permit with such conditions as to make the proposed development consistent with the overall purposes of this Plan. The type, size, height, number, and use of buildings within the Project Area shall be controlled by applicable planning and development codes and the Zoning Ordinance consistent with the General Plan, as each may be amended from time to time.

1. (Sec. 509) New Construction

Except as otherwise permitted or required by the Agency, all new construction shall comply with all applicable State and local laws and regulations pertaining thereto as amended from time to time, including without limitation the Building, Electrical, Energy, Heating and Ventilating, Housing and Plumbing Codes of the City and the General Plan and the Zoning Ordinance, as each may be amended from time to time. Off-street parking spaces and loading facilities shall be designated to comply with the Zoning Ordinance, as amended from time to time. The number of off-street parking spaces required shall be regulated by the Zoning Ordinance, as amended from time to time. All off-street parking spaces and loading areas shall be paved, lighted and landscaped in accordance with the Zoning Ordinance, or other applicable regulation, as each may be amended from time to time.

2. (Sec. 510) Rehabilitation

The Agency is authorized to rehabilitate and conserve or cause to be rehabilitated and conserved, buildings and structures in the Project Area. Any existing structure within the Project Area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such manner that it will meet the following requirements: (1) be safe and sound in all physical respects, and (2) be attractive in appearance and not detrimental to the surrounding areas. Property rehabilitation standards for the rehabilitation of existing buildings and site improvements may be established by the Agency.

3. (Sec. 511) Number of Dwelling Units
There are approximately 3,663 multi- or single-family dwelling units located within the Project Area. The number of dwelling units in the Project Area shall not exceed the maximum number allowed under the densities permitted under the General Plan, as may be amended from time to time, and as implemented by local codes and ordinances.

4. (Sec. 512) Open Space and Landscaping

The approximate amount of open space to be provided in the Project Area will be the total of all areas that will be in the public rights-of-way, the public grounds, the space around buildings, and all other outdoor areas not permitted through limits on land covered by this Plan to be covered by buildings.

Landscape plant palettes used in the Project Area shall ensure optimum use of drought tolerant and pollution resistant plant material.

5. (Sec. 513) Land Coverage

Land coverage permitted in the Project Area shall not exceed coverages permitted by the Zoning Ordinance, as amended from time to time.

6. (Sec. 514) Light, Air, and Privacy

In all areas sufficient space shall be maintained between buildings pursuant to the Zoning Ordinance to provide adequate light, air and privacy.

7. (Sec. 515) Signs

All signs shall be subject to the provisions of the Zoning Ordinance and applicable municipal codes, as each may be amended from time to time.

8. (Sec. 516) Utilities

All utilities shall be placed underground when physically, legally and economically feasible.

9. (Sec. 517) Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas or structures pursuant to the Zoning Ordinance shall be permitted in any part of the Project Area.

10. (Sec. 518) Nondiscrimination and Nonsegregation

There shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.
11. (Sec. 519) Consistency with General Plan and Zoning Ordinance

All development within the Project Area shall be consistent with the applicable General Plan and Zoning Ordinance, as each may be amended from time to time.

G. (Sec. 520) Building Permits

For a building which is subject to a contract, no permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been processed, unless and until the application for such permit has been approved by City designated officials. Any such permit that is issued must be in conformance with the provisions of this Plan and any applicable disposition and development or participation agreement.

VI. (Sec. 600) METHODS FOR FINANCING THE PROJECT

A. (Sec. 601) General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Agency is authorized to finance implementation of the Project with property tax increment revenues, interest income, Agency bonds, loans from private institutions, proceeds from the sale or lease of property, financial assistance, including grants and loans, from the City, County, State of California, Federal Government, or any other public Agency, or any other legally available source. The City may, in accordance with the law, make advances and expend money as necessary to assist the Agency in carrying out this Project. Such assistance shall be on terms established by any agreement between the City and the Agency.

The Agency is authorized to issue bonds from time to time if appropriate and feasible in an amount sufficient to finance implementation of all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds or other obligations by reason of their issuance. The bonds and other obligations of the Agency are not a debt of the City, nor the State, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; such bonds and other obligations shall so state on their face. The bonds and other obligations do not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.

B. (Sec. 602) Tax Increment

As provided for in Section 33670 of the CCRL, all taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Tulare, City of Porterville, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan shall be divided as follows:

1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the
total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment rolls used in connection with the taxation of that property by the taxing agency, last equalized prior to the effective date of the ordinance adopting the Original Plan for the Amended Project Area (1989-90 base year) and the ordinance adopting the 2010 Amendment with respect to the Added Territory (2009-10 base year) shall be allocated to and when collected shall be paid to the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of the ordinance adopting the Original Plan for the Amended Project Area [1989-90 base year] and the ordinance adopting the 2010 Amendment with respect to the Added Territory [2009-10 base year], but to which that territory has been annexed or otherwise included after that effective date, the assessment roll of the County last equalized on the effective date of the ordinance adopting the Original Plan for the Amended Project Area [1989-90 base year] and the ordinance adopting the 2010 Amendment with respect to the Added Territory [2009-10 base year] shall be used in determining the assessed valuation of the taxable property in the Project on said effective dates).

2) Except as provided in subsection (3) below, that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project and the redevelopment activities described in this Plan. Unless and until the total assessed value of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project Area as shown by the last equalized assessment roll referred to in subsection (1) above as to the Original Plan for the Amended Project Area (1989-90 base year) and as to the 2010 Amendment for the Added Territory (2009-10 base year), all of the taxes levied and collected upon the taxable property in the Project Area shall be paid to the respective taxing agencies. When the bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project Area shall be paid to the respective taxing agencies as taxes on all other property are paid.

3) That portion of the taxes in excess of the amount identified in subsection (1) above, which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989, for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency.

4) That portion of tax revenues allocated to the Agency pursuant to subsection (2) above which is attributable to increases in the rate of tax imposed for the benefit of any affected taxing agency whose levy occurs after the tax year in which the ordinance adopting the Original Plan with respect to the Amended
Project Area became effective; and, with respect to the Added Territory, when the ordinance adopting the 2010 Amendment becomes effective, shall be allocated to such affected taxing agency to the extent the affected taxing agency has elected in the manner required by law to receive such allocation.

The portion of tax revenues allocated to the Agency pursuant to subsection (2) above may be irrevocably pledged by the Agency for the payment of the principal and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan only to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project, or as otherwise permitted by law.

5) With respect to those tax increment revenues generated from within the Added Territory, as provided for in Section 33333.2(a)(1)(A) of the CCRL, no loan, advance or indebtedness to finance in whole or in part the Project and payable in whole or in part from tax increment revenues pursuant to subsection (2) above shall be established or incurred by the Agency after a date twenty (20) years from the date of adoption of the ordinance approving and adopting the 2010 Amendment. This limit shall not prevent the Agency from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency’s housing obligations under Section 33333.8 of the CCRL. The loans, advances, or indebtedness may be repaid over a period of time longer than this time limit as provided in this section. Except as provided above, no loans, advances, or indebtedness to be repaid from the allocation of taxes shall be established or incurred by the Agency beyond this time limitation.

The limit set forth above shall not prevent the Agency from refinancing, refunding or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit to repay indebtedness as set forth in subsection (7) below, or as otherwise permitted by law.

The time limit to incur additional loans, advances, or indebtedness for the Amended Project Area was deleted by Amendment No. 1.

6) Unless otherwise permitted by law, the time limitation applicable to the Added Territory established by subsection (5) above may be extended only by further amendment of this Plan after the Agency finds, based on substantial evidence, that (i) significant blight remains within the Added Territory, and (ii) this blight cannot be eliminated without the establishment of additional debt. However, unless otherwise permitted by law, this amended time limitation may not exceed 30 years from the effective date of
the ordinance adopting the 2010 Amendment with respect to the Added Territory, except as necessary to comply with subsection (a) of CCRL Section 33333.8.

7) With respect to the Amended Project Area, as provided for in CCRL Section 33333.2(a)(3), unless otherwise permitted by law, the Agency shall not repay indebtedness with the proceeds of property taxes received pursuant to CCRL Section 33670 after ten (10) years from the termination of the effectiveness of the Plan in the Amended Project Area (to July 10, 2040).

With respect to the Added Territory, as provided for in CCRL Section 33333.2(a)(3), unless otherwise permitted by law, the Agency shall not repay indebtedness with the proceeds of property taxes received pursuant to CCRL Section 33670 after forty-five (45) years from the date of adoption of the ordinance approving and adopting the 2010 Amendment. After the time limits established pursuant to this subsection, unless otherwise permitted by law, the Agency may not receive property taxes pursuant to Section 33670 of the CCRL pursuant to subsection (2) above. These limits shall not prevent the Agency from receiving and using tax increment funds in order to fulfill its housing obligation under CCRL Section 33333.8.

8) The portion of taxes divided and allocated to the Agency from the Amended Project Area pursuant to CCRL Section 33670 shall not exceed $400,000,000, except by further amendment of this Plan.

9) With regard to the Project Area, as provided for in CCRL Section 33334.1, the amount of bonded indebtedness issued pursuant to CCRL Section 33640 et seq., exclusive of other Agency contractual obligations and other forms of indebtedness of the Agency to be repaid in whole or in part from the allocation of taxes pursuant to CCRL Section 33670, pursuant to subdivision (2) above, which can be outstanding at any one time shall not exceed $242,000,000¹ [SUBJECT TO REVISION BASED UPON RECEIPT OF 33328 REPORT INFORMATION] in principal amount, except by amendment of this Plan.

C. (Sec. 603) Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the United States or any other public or private source will be utilized if available and appropriate in carrying out the Project.

VII. (Sec. 700) ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and the City and Agency shall each take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City may include, but not be limited to, the following:

¹ This amount is derived by adding a bonded indebtedness limit of $92,000,000 for theAdded Territory to the bonded indebtedness limit for the Amended Project Area ($150,000,000) contained in the Original Plan.
a) Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include the requirements of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan;

b) Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area;

c) Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan;

d) Imposition wherever necessary (by covenants of restrictions, conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use;

e) Provision for administrative enforcement of this Plan by the City after development;

f) Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays;

g) Expenditure of City funds in order to further the goals and objectives of this Plan, as may be necessary and as permitted by the CCRL; and

h) The undertaking and completing of any other proceedings necessary to implement the Project.

VIII. (Sec. 800) ADMINISTRATION, ENFORCEMENT, AMENDMENT, AND INTERPRETATION OF THE PLAN

a) The administration and enforcement of this Plan or other documents implementing this Plan shall be performed by the Agency or the City, as appropriate.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan.

b) This Plan may be amended by means established in the CCRL or by any other procedure hereinafter established by law. Any amendment to the General Plan affecting any portion of this Plan text and/or Project Area Map shall automatically amend this Plan accordingly to conform thereto.

c) All provisions of this Plan that impose obligations on the Agency in accordance with the CCRL or other State or federal laws shall be interpreted to bind the Agency only if and to the extent the Agency would be bound under the applicable provision of the CCRL or such other State or federal law.
IX. (Sec. 900) EFFECTIVENESS OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions (which shall run in perpetuity), or the obligation to repay any indebtedness as provided in Sections 601 through 603, and as provided for in Section 33333.2(a)(2) of the CCRL, the provisions of this Plan and other documents formulated pursuant to this Plan may be made effective for: forty (40) years from the date of adoption of the Original Plan for the Amended Project Area (to July 10, 2030) and thirty (30) years from the date of adoption of the ordinance approving and adopting the 2010 Amendment with respect to the Added Territory. Provisions in documents providing for the payment or repayment of indebtedness may be made effective for the longest time legally allowable, as provided for in Sections 33333.2(a)(3) of the CCRL, for the purpose of repaying in full all loans, advances, and indebtedness of the Agency.

After the time limits on the effectiveness of the Plan, and without limitation as to any authority the City may have (including with regard to agreements entered into by and covenants established for the benefit of the Agency), the Agency shall have no authority to act pursuant to the Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to applicable CCRL Sections in which case the Agency shall retain its authority to implement requirements under these Sections, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as is reasonably possible.
APPENDIX A –

PROJECT AREA MAP
APPENDIX B –

GENERAL PLAN LAND USE MAP
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Original Project Area
Legal Description
PORTERVILLE REDEVELOPMENT AGENCY

PORTERVILLE REDEVELOPMENT PROJECT AREA
PROJECT AREA "1"

471 ACRES

A parcel of land in the City of Porterville, County of Tulare, State of California:

BEGINNING at a point of intersection with the South Right-of-Way Line of Morton Avenue and the Northeast corner of Lot 17, Block 1 of the Map of El Bonito Tract recorded in Volume 2, Page 121 in the Tulare County Recorder's Office on February 27, 1903;

Thence, Easterly along said South Right-of-Way Line of Morton Avenue, a distance of 1990 feet, more or less, to a point of intersection with the West Right-of-Way Line of Henrahan Street (60 feet wide).

Thence, continuing Southerly along the West Right-of-Way Line of Henrahan Street and prolongation thereof, a distance of 1320 feet, more or less, to a point of intersection with the Southeast corner of Lot 18 of the recorded map for Henrahan Place, recorded in Volume 9, Page 13, on September 13, 1909, in the Tulare County Recorder's Office; said point also being located on the North Right-of-Way Line of Putnam Avenue (60 feet wide);

Thence, continuing Southerly across Putnam Avenue to a point of intersection with the South Right-of-Way Line of Putnam Avenue; said point also being located 30 feet West of the Northwest corner of Parcel No. 1 of Parcel Map No. 3284, recorded in Book 33, Page 86, in the Tulare County Recorder's Office on September 5, 1985.

Thence, continuing West along the South Right-of-Way Line of said Putnam Avenue a distance of 30 feet to a point of intersection with the East Right-of-Way Line of A.T. & S. F. Railroad;

Thence, continuing in a Southerly direction along said East Right-of-Way Line of said Railroad to a point of intersection with the Northwest corner of Parcel No. 3 of said Parcel Map No. 3284;

Thence, continuing South along the West Lot Line of said Parcel No. 3, a distance of 105.77 feet to a point of intersection with the North Right-of-Way Line of Mill Avenue;

Thence, Easterly along the North Right-of-Way Line of Mill Avenue, a distance of 90 feet, plus or minus; said point being located with a Northerly line of prolongation from the West Line of Parcel No. 1 of Parcel Map No. 2292 recorded in Book 23, Page 93, in the Tulare County Recorder's Office on September 21, 1979;

Thence, Southerly a distance of 60 feet, more or less, along said line of prolongation to a point of intersection with the Northwest corner of Parcel No. 1 of said Parcel Map No. 2292;
Thence, continuing South along the West Line and prolongation thereof of said Parcel No. 1 of said Parcel Map No. 2292, a distance of 147.5 feet, more or less, to a point of intersection with the Northeast corner of Lot 8, Block "C" of J.C. Murry's Addition, recorded in Volume 3 of Maps, Page 10, in the Tulare County Recorder's Office, State of California;

Thence, West along the North Line of said Lot 8, a distance of 60 feet, plus or minus, to a point known as the Northwest corner of said Lot 8;

Thence, Southerly along the West line and prolongation thereof of said Lot 8, a distance of 190 feet, plus or minus, to a point of intersection with the South Right-of-Way Line of Oak Avenue;

Thence, West along said South Right-of-Way Line of Oak Avenue to a point of intersection with the West Right-of-Way Line of Fourth Street;

Thence, South along said West Right-of-Way Line of said Fourth Street to a point of intersection with the South Right-of-Way Line of Garden Avenue;

Thence, West along said South Right-of-Way Line of said Garden Avenue to a point of intersection with the East Right-of-Way Line of Third Street;

Thence, South along said East Right-of-Way Line of said Third Street to a point of intersection with the North Right-of-Way Line of Olive Avenue;

Thence, West along the North Right-of-Way Line of said Olive Avenue to a point of intersection by a line of prolongation with the West Right-of-Way Line of "B" Street (80 feet wide);

Thence, South along said line of prolongation of "B" Street to a point being located on the West Right-of-Way line of "B" Street; said point being known as the Southeast corner of Parcel No. 1 of Parcel Map No. 22, Recorded in Book 1, Page 22 of Maps in the office of the Tulare County Recorder on June 20, 1968;

Thence, West along the South Lot Line of Parcel No. 1 of said map as follows:

75.00 feet West, 10.00 feet South, and 75.00 feet West to a point known as the Southwest corner of said Parcel No. 1 of aforementioned map;

Thence, continuing West along a prolongation of said South line of Parcel No. 1.of Parcel Map 22, a distance of 20 feet to a point of intersection with the East Lot Line of Parcel No. 1 of Parcel Map 2384, Recorded in Book 24, Page 85, of Maps in the office of the Tulare County Recorder on December 27, 1979;

Thence, South along the East Lot Line of said Parcel No. 1 of Parcel Map No. 2384, a distance of 25 feet to a point known as the Southeast corner of said Parcel No. 1 of Parcel Map No. 2384;

Thence, West along the South Lot Line of Parcel No. 1 of Parcel Map No. 2384, a distance of 150 feet to a point of intersection with the East Right-of-Way Line of "C" Street (80 feet wide);
Thence, South along the East Right-of-Way Line of said "C" Street, a distance of 1205 feet, more or less, to a point of intersection with the Northwest corner of Lot 18 of Block 46, of the Original Recorded Map No. 1-107 of Porterville;

Thence, East along the North Line of said Lot 18 and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the Northwest corner of Lot 15, Block 46, of said Original Map of Porterville;

Thence, continuing East along the North Line of said Lot 15 and prolongation thereof to a point of intersection with the Northwest corner of Lot 18, Block 39, of said Original Map of Porterville; said point also being located on the East Right-of-Way Line of "B" Street;

Thence, continuing East along the North Line of said Lot 18 of Block 39, a distance of 100 feet;

Thence, Northerly departing the North Line of said Lot 18, of Block 39, a distance of 37.5 feet and parallel with the West Line of said Lot 18, of Block 39, to a point of intersection with the North Line of Lot 19, Block 39, of said Original Map of Porterville;

Thence, East along the North Line of said Lot 19 of Block 39, and prolongation thereof a distance of 70 feet, more or less, to a point of intersection with the Southwest corner of Lot 13, Block 39, of said Original Map of Porterville;

Thence, North along the West Line of said Lot 13, Block 39, a distance of 25 feet to a point being located on the Northwest corner of said Lot 13, of Block 39, of said Original Map of Porterville;

Thence, East along the North Line of said Lot 13, a distance of 150 feet, to a point of intersection with the Northeast corner of said Lot 13, and the West Right-of-Way Line of "A" Street (80 feet wide);

Thence, North along the West Right-of-Way Line of said "A" Street, a distance of 25 feet to a point of intersection with the Northeast corner of Lot 12, Block 39, of said Original Map of Porterville;

Thence, East on a Line of prolongation of the North Line of said Lot 12, a distance of 80 feet to a point of intersection with the East Right-of-Way Line of "A" Street; said point also being the Northwest corner of Lot 21 of Block 34, of said Original Map of Porterville;

Thence, continuing East along the North Line of said Lot 21 and prolongation thereof, a distance of 276 feet, more or less, to a point of intersection with the West Line of Parcel No. 1 of Parcel Map No. 2391, recorded on January 4, 1980, in Book 24, Page 92 of Parcel Maps, in the Recorder's office, County of Tulare and State of California;

Thence, Southeasterly along said West Line of said Parcel No. 1, a distance of 240 feet, more or less, to a point of intersection with the North Right-of-Way Line of Orange Avenue, being 80 feet wide;
Thence, continuing Southeasterly along said North Right-of-Way Line of Orange Avenue to a point of intersection with the South Right-of-Way Line of Locust Avenue; said point being located 90 feet, more or less, West on a line of prolongation of the North Lot Line and Northwest corner of Lot No. 1 of Block No. 5 of the Subdivision Map of Cornell Addition, recorded in Volume B, Page 40 of Maps, in the Recorder's Office, County of Tulare, State of California; said point also being the South Right-of-Way Line of Locust Avenue being 80 feet wide.

Thence, East along said line of prolongation of said Lot 1 of Block 5 of Cornell Addition and North Line of Lot No. 1, and North Line of Lot No. 34 of said Cornell Addition and South Right-of-Way Line of Locust Avenue, a distance of 417 feet, more or less, to a point of intersection with the Northeast corner of Lot No. 34 of Block 5, of said Cornell Addition; said point also being the West Right-of-Way Line of Plano Street being 60 feet wide.

Thence, continuing East on a line of prolongation of Lot No. 34 of said Cornell Addition, a distance of 60 feet to a point of intersection with the East Right-of-Way Line of Plano Street;

Thence, South along the East Right-of-Way Line of Plano Street, a prolongation thereof, a distance of 470 feet, more or less to a point of intersection with the South Right-of-Way Line of Date Avenue being 100 feet wide; said point also being located on the Southeast corner of Plano Street and Date Avenue;

Thence, continuing Southerly along the East Right-of-Way Line of Plano Street (80 feet wide), a distance of 700 feet, more or less, to an angle point in the existing East Right-of-Way Line of Plano Street being 100 feet wide at this point;

Thence Westerly, 90.00 feet, along a line perpendicular with the East Right-of-Way Line of Plano Street, to an angle point in the West Right-of-Way Line of Plano Street;

Thence Southerly, 74.75 feet along the West Right-of-Way line of Plano Street;

Thence West 457.50 feet, more or less, along a line perpendicular with Plano Street, to a point of intersection with the Southerly prolongation of the East line of CASAS DEL RIO Subdivision, as per map recorded in Book 31 of Maps, at Page 76, in the office of the Tulare County Recorder;

Thence, North along said Line of Prolongation of the East Line of CASAS DEL RIO Subdivision, a distance fo 26.65 feet to a point of intersection with an angle point in the City Limit Line; said point also being the Southeast corner of Lot "E" of said Subdivision;

Thence, Westerly along the existing city Limit Line and South line of Lot "E" of said CASAS DEL RIO Subdivision, a distance of 927.76 feet to a point of intersection with the Southwest corner of Lot "E" of said Subdivision; said point also being an angle point in the existing City Limit line;
Thence, North along the existing City Limit Line, a distance of 230 feet, more or less, to an angle point in the existing City Limit Line;

Thence, Northwesterly along the existing City Limit Line, a distance of 324.81 feet, to a point of intersection with an angle point in the existing City Limit Line;

Thence, South along the existing City Limit Line, a distance of 236 feet, more or less, to a point of intersection with an angle point in the existing City Limit Line;

Thence, Westerly along the existing City Limit Line, a distance of 528 feet, more or less, to a point of intersection with an angle point in the existing City Limit Line;

Thence, North along the existing City Limit Line, a distance of 660 feet to a point of intersection with an angle point in the existing City Limit Line; said point also being located on the North Line of the Southwest Quarter of Section 36, Township 21 South, Range 27 East, M.D. B. and M., in the County of Tulare, State of California; said point also being the South Right-of-Way Line of Date Avenue (40 feet wide);

Thence, West along the South Right-of-Way Line of Date Avenue and existing City Limit Line, a distance of 132 feet to a point of intersection with an angle point in the existing City Limit Line;

Thence, South along the existing City Limit Line, a distance of 235 feet to a point of intersection with an angle point in the existing City Limit Line;

Thence West along the existing City Limit Line, a distance of 119.5 feet to a point of intersection with an angle point in the existing City Limit Line and East Right-of-Way Line of South Main Street being 80 feet wide;

Thence, South along the East Right-of-Way Line of South Main Street and the existing City Limit Line, a distance of 1085 feet, more or less, to an angle point in the existing City Limit Line; said point also being a point of intersection with the North Line of the Southwest Quarter of the Southwest Quarter of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

Thence, East along said City Limit Line, a distance of 360 feet, more or less, to a point of intersection with the Center Line of Poplar Ditch;

Thence, Southwesterly along the Center Line of Poplar Ditch, a distance of 450 feet, more or less;

Thence, South a distance of 88.95 feet, more or less, to a point of intersection with an angle point in the existing City Limit Line;

Thence, West along the existing City Limit Line, a distance of 152.5 feet to a point in the existing City Limit Line; said point also being the east Right-of-Way Line of South Main Street;
Thence, South along the existing City Limit Line, a distance of 944 feet, more or less, to a known point being the Southwest corner of Lot 20 of Price Garden Acres, Recorded in Volume 17 of Maps, Page 20, Tulare County Records, State of California;

Thence, continuing South along the East Right-of-Way Line of South Main Street and Line of Prolongation of the West Lot Line of said Lot 20, a distance to 50 feet to a point known as the Northwest corner of Lot 1 of Browns Acre Subdivision, recorded in Volume 15, Page 22 of Subdivision Maps, in the Tulare County Recorders Office, State of California;

Thence, continuing South along said East Right-of-Way Line of South Main Street, a distance of 1100 feet, more or less, to a point of intersection with the North Right-of-Way Line of College Avenue (60 feet wide);

Thence, continuing South along said East Right-of-Way Line of South Main Street, a distance of 950 feet, more or less, to a point of intersection with the existing City Limit Line;

Thence, West along the existing City Limit Line, a distance of 160 feet to an angle point in the existing City Limit Line; said point being located on the West Right-of-Line of the Southern Pacific Railroad;

Thence, South continuing along the existing City Limit Line, a distance of 580 feet, more or less, to an angle point in the existing City Limit Line;

Thence, Westerly along the existing City Limit Line, a distance of 28 feet to an angle point in the existing City Limit Line;

Thence, Southerly along the existing City Limit Line, a distance of 650 feet, more or less, to an angle point in the existing City Limit Line;

Thence, West along the existing City Limit Line, a distance of 950 feet, more or less, to an angle point in the existing City Limit Line; said point also being the Northeast corner of Parcel No. 2 of Parcel Map No. 2238, recorded in Book 23 of Parcel Maps, Page 39, in Tulare County Records, State of California;

Thence, South along the existing City Limit Line, a distance of 662.71 feet to an angle point in the existing City Limit Line; said point also being the North Right-of-Way Line of Gibbons Avenue (55 feet wide);

Thence, West along the existing City Limit Line and North Right-of-Way Line of said Gibbons Avenue, a distance of 399.78 feet to an angle point in the existing City Limit Line;

Thence, North along the existing City Limit Line, a distance of 1310 feet, more or less, to an angle point in the existing City Limit Line; said point also being the Southeast corner of Parcel No. 3 of Parcel Map No. 1601, Recorded in Book 17 of Parcel Maps, Page 2, in Tulare County Records, State of California;
Thence, continuing North, along the East lines of Parcel No. 3 and Parcel No. 2 of said Parcel Map No. 1601, a distance of 2478.30 feet to a point being the Northeast corner of said Parcel No. 2 of Parcel Map No. 1601;

Thence, continuing North on a line of prolongation of said East Line of Parcel No. 2 of said Parcel Map No. 1601, a distance of 179.99 feet to a point of intersection with the North Line of the Northwest Quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian; said point also being South 89°47'32" East, a distance of 1321.55 feet East of the Northwest corner of said Section 2;

Thence, Northwesterly on a line extending across State Highway 190, a distance of 215 feet, more or less, to a point of intersection with the Right-of-Way Line of State Highway 190 and the East Right-of-Way Line of Poplar Ditch (65 feet wide);

Thence, Northerly along said East Right-of-Way Line of Poplar Ditch, a distance of 564.25 feet to a point of intersection with the Southeast corner of Parcel 2 of Parcel Map No. 1014, Recorded in Book 11 of Parcel Maps, Page 15, in the Tulare County Recorder's Office, State of California;

Thence, continuing along an arc being the East Line of said Parcel 2, a distance of 139.75 feet to an angle point in the East Line of said Parcel No. 2;

Thence North 41°53'47" West, a distance of 65.00 feet to an angle point in the North Line of said Parcel 2; said point also being the Northwesterly Right-of-Way Line of Poplar Ditch;

Thence, Westerly along the North Line of said Parcel 2, a distance of 358.75 feet to a point being the Southwest corner of Parcel 1, of said Parcel Map No. 1014;

Thence, North 00°24'22" East, a distance of 450.00 feet along the West Line of said Parcel 1, of Parcel Map No. 1014; to a point of intersection with the South Right-of-Way Line of Springville Avenue (60 feet wide); said point also being the Northwest corner of said Parcel 1;

Thence, East along the South Right-of-Way Line of said Springville Drive, a distance of 190 feet, plus or minus, to a point of intersection with a line of Southerly prolongation of the West Line of Lot 57 of Pleasant Grove Tract, recorded in Volume 9 of Maps, Page 1, in the County Recorder's Office, County of Tulare;

Thence, North along said Line of prolongation, a distance of 60 feet to a point known as the Southwest corner of Lot 57 of said Pleasant Grove Tract;

Thence, continuing North along the West Line of said Lot 57, a distance of 515 feet, plus or minus, to a point of intersection with the North Line of Parcel No. 2 of Parcel Map No. 1002, recorded in Book 11 of Parcel Maps on Page 3 in the County Recorder's Office, County of Tulare;

Thence, continuing Southeasterly along the North Line of said Parcel No. 2 of Parcel Map No. 1002, as follows:
Thence, South 81°50'47" East, a distance of 331.56 feet;
Thence, South 71°30'10" East, a distance of 209.99 feet;
Thence, North 88°26'08" East, a distance of 131.49 feet;
Thence, South 89°49'16" East, a distance of 113.12 feet to a point
being known as the Southeast corner of Lot 55 of said Pleasant Grove Tract;

Thence, Northerly along the East Line of said Lot 55 and prolongation
thereof, a distance of 430 feet, more or less, to a point of intersection
with the South line of Lot 36 of Swastika First Extension, recorded in
Volume 16 of Maps, Page 7, in the Tulare County Recorder's Office, State of
California;

Thence, West along the South Line of said Lot 36 of said Swastika First
Extension, a distance of 18 feet, more or less, to the Southwest corner of
said Lot 36;

Thence, Northerly along the West line of said Lot 36 and prolongation
thereof, a distance of 158 feet, more or less, to a point of intersection
with the Southeast corner of Lot 34 of said Swastika First Extension; said
point also being the West Right-of-Way Line of South "E" Street (40 feet
wide);

Thence, North along said West Right-of-Way Line of said South "E" Street, a
distance of 274 feet, more or less, to a point located on the Southeast
corner of Lot 7 of Swastika Subdivision, Recorded in Volume 7 of Maps, Page
65, in the Tulare County Recorder's Office, State of California; said point
also being the West Right-of-Way of said South "E" Street (75 feet wide);

Thence, North along said West Right-of-Way Line of South "E" Street, a
distance of 3,979 feet, more or less, to a point of intersection with the
South Right-of-Way Line of Putnam Avenue; said point also being the
Northeast corner of Lot 1, Block No. 6, of the Map of El Bonito Tract,
Recorded in Volume 2 of Maps, on Page 121, in the Tulare County Recorder's
Office, State of California;

Thence, East along said South Right-of-Way Line of Putnam Avenue, a
distance of 230 feet, more or less, to a point known as the Northeast
corner of Lot No. 1, Block No. 5 of said El Bonito Tract;

Thence, North along a line being parallel with the West Right-of-Way line
of the Southern Pacific Railroad, a distance of 1230 feet to the point of
beginning.
A parcel of land in the City of Porterville, County of Tulare, State of California:

BEGINNING at a point on the southeast corner of Lot 16 of Block No. 49, of an amended map of the City of Porterville, surveyed in 1888, recorded in Volume 2, Page 107 and original map subsequently filed in Volume 3, page 18 of maps, in the County of Tulare, State of California; said point also being a point of intersection with the north right-of-way line of Date Avenue (40 feet wide) and west right-of-way line of South "C" Street (80 feet wide);

Thence north along the west right-of-way line of said "C" Street and prolongation thereof, a distance of 780 feet, more or less, to a point of intersection with the southeast corner of Lot 4 of Block 50 of said amended map of the original map of Porterville; said point also being located 100 feet south of the south right-of-way line of Orange Avenue;

Thence, easterly across South "C" Street, a distance of 80 feet to a point of intersection with the northwest corner of Lot 28 of Block No. 47 of said amended map of Porterville;

Thence, continuing east along the north line of said Lot 28, Block No. 47, and prolongation thereof and the north line of Lot 5, Block No. 47 and prolongation thereof for said amended map of Porterville, a distance of 480 feet to a point of intersection with the east right-of-way line of South "B" Street (80 feet wide); said point also be located on the northwest corner of Lot 28, Block No. 38 of said amended map;

Thence, north along said east right-of-way line of "B" Street, a distance of 50 feet to a point known as the northwest corner of Lot 30, Block No. 38, of said amended map of Porterville;

Thence, east along the north line and prolongation of Lot 30 of Block No. 38 of said original map of Porterville, and continuing east along the north line of Lot 3, Block No. 38 of said original map, a distance of 320 feet to a point of intersection with the northeast corner of Lot 3, Block No. 38, and west right-of-way line of "A" Street (80 feet wide);

Thence, continuing east on a line of prolongation of said north line of Lot 3 of Block No. 38, a distance of 80 feet to a point of intersection with the northwest corner of Lot 30, Block No. 35 of said amended map of Porterville; said point also being the east right-of-way line of South "A" Street;

Thence, east along the north line of said Lot 30, Block No. 35, a distance of 85 feet, more or less, to a point of intersection with the northwest corner of Lot 3, Block No. 1 of the Subdivision Map of Cornell Addition, recorded in Volume 8, Page 40 of Maps, in the Recorder's Office, County of Tulare, State of California;
Thence, east along the north line of said Lot 3 of Block No. 1 and prolongation thereof of said Cornell Addition, and continuing across the north line of Lot 30 of Block No. 1 and prolongation thereof of said Cornell Addition, a distance of 312 feet, more or less, to a point of intersection with the northwest corner of Lot 2, Block No. 2 of Cornell Subdivision; said point also located on the east right-of-way line of Wallace Street;

Thence, south along said right-of-way line a distance of 50 feet to a point being the southwest corner of Lot 3 of said Block No. 2;

Thence, east across the south line of said Lot 3 of Block No. 2 of said Cornell Addition, a distance of 150 feet, more or less, to a point of intersection with the southeast corner of said Lot 3 of Block No. 2;

Thence, south along the east lines of Lots 4, 5, 6, 7, and 8 of said Block No. 2 of Cornell Addition, a distance of 125 feet, more or less, to a point of intersection with the southeast corner of said Lot 8 of Block No. 2;

Thence, east along a line of prolongation of the south line of said Lot 8 Block No. 2, a distance of 20 feet, more or less, to a point of intersection with the northwest corner of Lot 22 of Block No. 2;

Thence, east along the north line of said Lot 22, a distance of 150 feet, more or less, to a point of intersection with the northeast corner of said Lot 22 of Block No. 2;

Thence, south along the east line of Lot 22, a distance of 10 feet, more or less, to a point of intersection with the south right-of-way line of Orange Avenue; said point also being on the west right-of-way line of Cornell Street;

Thence, southeasterly along the south right-of-way line of Orange Avenue, a distance of 105 feet, more or less, to a point of intersection with the east right-of-way line of Cornell Street (80 feet wide);

Thence, south along said east right-of-way line, a distance of 172.5 feet, more or less, to a point of intersection with the south right-of-way line of Locust Avenue (80 feet wide);

Thence, east along the south right-of-way line of said Locust Avenue, a distance of 170 feet, more or less, to a point of intersection with the northwest corner of Lot 34 of Block No. 6 of said Cornell Addition;

Thence, south along the west lot lines of Lots 34 through Lot 20 of Block No. 6, a distance of 375 feet, more or less, to a point of intersection with the southwest corner of said Lot 20 of Block No. 6;

Thence, west a distance of 20 feet, more or less, to a point of intersection with the southeast corner of Lot 15 of Block No. 6;

Thence, continuing west along the south lot line of said Lot 15, and prolongation thereof, a distance of 230 feet, more or less, to a point of intersection with the southeast corner of Lot 20 of Block No. 7 of said
Cornell Addition; said point being located on the west right-of-way line of said Cornell Street;

Thence, west along the south line of said Lot 20 and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the southeast corner of Lot 15 of Block No. 7;

Thence, west along the south line of said Lot 15, and prolongation thereof, a distance of 230 feet, more or less, to a point of intersection with the west right-of-way line of Wallace Street (80 feet wide); said point also being located on the northeast corner of Lot 19 of Block No. 8 of said Cornell Addition;

Thence, south along the east line of said Lot 19, a distance of 25 feet, more or less, to a point of intersection with the southeast corner of said Lot 19;

Thence, west along the south line of said Lot 19, and prolongation thereof, a distance of 237 feet, more or less, to a point of intersection with the southwest corner of Lot 16 of Block No. 8 of said Cornell Addition; said point also being the southeast corner of Lot 17, Block No. 36 of said original amended map of Porterville;

Thence, west along the south line of Lot 17 and prolongation thereof, a distance of 163 feet, more or less, to a point of intersection with the west right-of-way line of "A" Street (80 feet wide), and the southeast corner of Lot 16 Block No. 37 of said original amended map of Porterville;

Thence, west along the south line of Lot 16 of Block No. 37, and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the southeast corner of Lot 17 of Block No. 37;

Thence, west along the south line of Lot 17 and prolongation thereof, a distance of 230 feet, more or less, to a point of intersection with the west right-of-way line of "B" Street (80 feet wide), and the southeast corner of Lot 16 Block No. 48 of said original amended map of Porterville;

Thence, west along the south line of Lot 16 of Block No. 48, and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the southeast corner of Lot 17 of Block No. 48;

Thence, west along the south line of Lot 17 of Block No. 48, and prolongation thereof, a distance of 230 feet, more or less, to the point of beginning.
Amendment No. 1
Legal Description
LEGAL DESCRIPTION

PORTERVILLE REDEVELOPMENT PROJECT NO. 1, AMENDMENT NO. 1
(Detachment Area)

This Legal Description is to be used in conjunction with the Boundary Map for Porterville Redevelopment Project No. 1, Amendment No. 1. The course numbers in this Legal Description correspond with the course numbers shown on the Boundary Map.

All of that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

POB: Beginning at the intersection of the easterly Right-of-Way line of "E" Street with the northerly Right-of-Way line of State Highway 190; thence

1. West a distance of 680 feet more or less along said north Right-of-Way line to its intersection with the Porterville City Limits; thence

2. North a distance of 590 feet more or less along said City Limits line to its intersection with the north line of Lot No. 36 of Pleasant Grove Tract, also being the easterly line of Poplar Ditch on a curve concave to the southeast; thence

3. Northeasterly a distance of 365 feet more or less along said curve to its intersection with the westerly prolongation of the south line of Parcel 1 of Parcel Map No. 779 as recorded in Parcel Map recorded in Book 8 Page 79 of Parcel Maps, Records of said County; thence

4. East a distance of 1,100 feet more or less along said prolongation, said south line, and its easterly prolongation to its intersection with the northwesterly line of Poplar Ditch; thence

5. North 70° East a distance of 130 feet more or less along said northwesterly line to its intersection with the westerly Right-of-Way line of the Southern Pacific Railroad Right-of-Way; thence

6. Southerly a distance of 850 feet more or less along said westerly Right-of-Way line to its intersection with the north Right-of-Way line of State highway 190; thence

7. West a distance of 310 feet more or less along said northerly Right-of-Way line to its intersection with the easterly line of Abandoned Road, Vacation 2920; thence

8. North a distance of 40 feet more or less along said east line to its intersection with the northerly Right-of-Way line of State Highway 190; thence

9. West a distance of 520 feet more or less to the Point of Beginning.
Added Territory
Legal Description
2010 AMENDMENT TO PORTERVILLE REDEVELOPMENT
PROJECT AREA “1”
GEOGRAPHIC DESCRIPTION

All that certain real property, situate in portions of Sections 15, 22, 23, 24, 25, 26, 27, 28, 34, 35, and 36 of Township 21 South, Range 27 East, and a portion of Section 31 of Township 21 South, Range 28 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described herein below as Sub Areas A, B, C, D, E, F, and G, as follows:

Sub Area A:

A parcel of land within Sections 22, 23, 26, 27, 28, 34, and 35 of 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 Southwest corner of Parcel 1 of Parcel Map Number 1014, recorded in Book 11, Page 15 of Parcel Maps, Tulare County Records, being an angle point in the boundary of the Porterville Redevelopment Agency Project Area “1”, thence departing said boundary of Project Area “1”

A1) North 89°49’16” West, along the North line of Parcel 2 of said Parcel Map Number 1014, a distance of 729 feet, more or less, to the East Right-of-Way line of Jaye Street; thence

A2) South 01°13’00” West, along said East Right-of-Way line, 84 feet, more or less, to the Northwest corner of that parcel of land described as Parcel 2 in deed recorded April 20, 2004 as Document Number 2004-0036882, Official Records of Tulare County; thence

A3) South 89°49’16” East, along the North line of last said parcel, 223 feet, more or less, to the beginning of a curve, concave Southwesterly and having a radius of 60 feet; thence

A4) Southeasterly and Southwesterly, along the boundary of said parcel, 94 feet, more or less, along the arc of said curve, with a chord of 85 feet subtending an angle of 90°07’13”; thence

A5) South 00°17’57” West, along the East line of said parcel, 480 feet, more or less, to the North Right-of-Way line of Poplar Avenue; thence

A6) North 81°05’07” West, along said North Right-of-Way line, 291 feet, more or less, to the East Right-of-Way line of Jaye Street; thence

A7) South 89°59’30” West, 137 feet, more or less, to the West Right-of-Way line of Jaye Street, and the beginning of a non-tangent curve, concave Northwesterly and having a radius of 96 feet and a beginning radial which bears North 83°27’33” East; thence

A8) Southerly, along said West Right-of-Way line, 89 feet, more or less, along the arc of said non-tangent curve, with a chord of 86 feet subtending an angle of 52°58’26”; thence
A9) South 47°06'55" West, along said West Right-of-Way line, 5 feet, more or less, to the North Right-of-Way line of State Highway 190; thence

A10) North 89°30'59" West, along said North Right-of-Way line, 2566 feet, more or less, to the West Right-of-Way line of Indiana Street; thence

A11) North 00°09'16" East, along said West Right-of-Way line, 203 feet, more or less, to an angle point in said line; thence

A12) South 89°50'55" East, along said West Right-of-Way line, 10 feet, more or less, to an angle point in said line; thence

A13) North 00°09'16" East, along said West Right-of-Way line, 202 feet, more or less, to the Easterly prolongation of the South line of Lot 110 of New Expressions Phase Two, recorded in Book 39, Page 9 of Maps, Tulare County Records; thence

A14) North 89°50'44" West, along said Easterly prolongation and said West Right-of-Way line, 21 feet, more or less, to the Southeast corner of said Lot 110; thence

A15) North 00°09'16" East, along said West Right-of-Way line, 755 feet, more or less, to the intersection of said West Right-of-Way line with the North Right-of-Way line of Springville Avenue; thence

A16) North 89°54'33" East, along said North Right-of-Way line, 648 feet, more or less, to an angle point in said line; thence

A17) North 89°27'19" East, along said North Right-of-Way line, 315 feet, more or less, to an angle point in said line; thence

A18) North 89°30'50" East, along said North Right-of-Way line and the Easterly prolongation thereof, 471 feet, more or less, to the Northerly prolongation of the West line of Parcel 3 of Parcel Map 4914, recorded in Book 50, Page 19 of Parcel Maps, Tulare County Records; thence

A19) South 00°16'35" West, along said prolongation and continuing along said West line, 537 feet, more or less, to an angle point in said West line; thence

A20) South 89°43'25" East, along said West line, 10 feet, more or less, to an angle point in said West line; thence

A21) South 00°16'35" West, along said West line, 191 feet, more or less, to the Southwest corner of said Parcel 3; thence

A22) South 89°43'25" East, along the South line of said Parcel 3 and the Easterly prolongation thereof, 244 feet, more or less, to the West line of that parcel described as Parcel 1 in that
document recorded September 27, 2006 as Document Number 2006-0099847, Official Records of Tulare County; thence

A23) South 00°16′32″ West, along said West line of Parcel 1, a distance of 86 feet, more or less, to the Southwest corner of said Parcel 1; thence

A24) South 89°39′35″ East, along the South line of said Parcel 1, a distance of 538 feet, more or less, to the North Right-of-Way line of Vandalia Avenue, being a point on a non-tangent curve, concave Northwesterly and having a radius of 375 feet and a beginning radial which bears South 46°26′05″ East; thence

A25) North 42°01′41″ East, along said North Right-of-Way line, 20 feet, more or less, along the arc of said non-tangent curve, with a chord of 20 feet subtending an angle of 3°04′28″, to the beginning of a non-tangent curve, concave Northerly and having a radius of 60 feet and a beginning radial which bears South 22°28′36″ West; thence

A26) Easterly, along said North Right-of-Way line, 85 feet, more or less, along the arc of said non-tangent curve, with a chord of 78 feet subtending an angle of 81°05′51″, to the beginning of a compound curve, concave Northwesterly and having a radius of 421 feet; thence

A27) Northeasterly, along said North Right-of-Way line, 69 feet, more or less, along the arc of said compound curve, with a chord of 69 feet subtending an angle of 9°24′16″, to the beginning of a reverse curve, concave Southeasterly and having a radius of 280 feet; thence

A28) Northeasterly, along said North Right-of-Way line, 70 feet, more or less, along the arc of said reverse curve, with a chord of 70 feet subtending an angle of 14°15′55″ to a non-tangent line along said North Right-of-Way; thence

A29) North 14°02′51″ West, along said North Right-of-Way line, 41 feet, more or less, to the beginning of a non-tangent curve, concave Southeasterly and having a radius of 313 feet and a beginning radial which bears North 48°54′27″ West; thence

A30) Northeasterly, along said North Right-of-Way line, 61 feet, more or less, along the arc of said non-tangent curve, with a chord of 61 feet subtending an angle of 11°11′59″ to a non-tangent line along said North Right-of-Way; thence

A31) South 84°44′52″ East, along said North Right-of-Way line, 26 feet, more or less, to the beginning of a non-tangent curve, concave Southerly and having a radius of 300 feet and a beginning radial which bears North 33°55′16″ West; thence

A32) Easterly, along said North Right-of-Way line, 193 feet, more or less, along the arc of said non-tangent curve, with a chord of 190 feet subtending an angle of 36°55′16″ to a non-tangent line along said North Right-of-Way; thence
A33) North 47°11'52" East, along said North Right-of-Way line, 18 feet, more or less, to the West Right-of-Way line of Jaye Street; thence

A34) North 04°07'09" East, along said West Right-of-Way line, 169 feet, more or less, to an angle point in said line; thence

A35) North 42°48'08" West, along said West Right-of-Way line, 21 feet, more or less, to an angle point in said line; thence

A36) North 00°16'38" East, along said West Right-of-Way line, 42 feet, more or less, to an angle point in said line; thence

A37) North 47°11'52" East, along said West Right-of-Way line, 27 feet, more or less, to an angle point in said line; thence

A38) North 04°07'09" East, along said West Right-of-Way line, 150 feet, more or less, to the South Right-of-Way line of Springville Avenue; thence

A39) North 00°55'56" East, 135 feet, more or less, to a point on said West Right-of-Way line; thence

A40) North 01°12'39" East, along said West Right-of-Way line, 376 feet, more or less, to an angle point in said line; thence

A41) North 00°15'25" West, along said West Right-of-Way line, 229 feet, more or less, to the South line of Lot 69 of Pleasant Grove Tract, recorded in Book 9, Page 1 of Maps, Tulare County Records; thence

A42) North 72°56'51" West, along said South line, 669 feet, more or less, to the Southeast corner of Lot 68 of said Pleasant Grove Tract; thence

A43) North 66°37'21" West, along the South line of said Lot 68, a distance of 713 feet, more or less, to the Southeast corner of Lot 70 of said Pleasant Grove Tract; thence

A44) North 57°07'14" West, along the South line of said Lot 70, a distance of 379 feet, more or less, to the Southeast corner of Lot 71 of said Pleasant Grove Tract; thence

A45) North 72°12'26" West, along the South line of said Lot 71, a distance of 344 feet, more or less, to the Southerly prolongation of the centerline of Cottage Street; thence

A46) North 00°47'29" East, along said prolongation, 30 feet, to the South line of Lot 72 of said Pleasant Grove Tract; thence

A47) North 77°06'33" West, along the South line of Lots 72 and 73 of said Pleasant Grove Tract and the Westerly prolongation thereof, 718 feet, more or less, to the West Right-of-Way line of Indiana Street; thence

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A48) North 00°05'27" East, along said West Right-of-Way line, 210 feet, more or less, to the Southeast corner of that parcel described as Parcel 2 in deed recorded June 23, 1992 as Document Number 92-045012, Official Records of Tulare County; thence

A49) North 75°55'18" West, along the South line of said parcel, 448 feet, more or less, to the Southwest corner of said parcel; thence

A50) North 00°18'10" West, along the West line of said parcel, 45 feet, more or less, to the Northwest corner of said parcel, being the Southeast corner of Lot 16 of Clover Leaf Tract, recorded in Book 8, Page 29 of Maps, Tulare County Records; thence

A51) South 89°41'50" West, along the South line of Lots 16 and 17 of said Clover Leaf Tract and the Westerly prolongation thereof, 869 feet, more or less, to the West Right-of-Way line of State Highway 65, being a point on the City Limit line of the City of Porterville; thence along said City Limit line the following 2 (two) courses:

A52) North 00°08'03" East, along said West Right-of-Way line, 166 feet, more or less, to the Southeast corner of the Remainder Lot of Sunrise Estates Six Phase One, recorded in Book 37, Page 7 of Maps, Tulare County Records; thence

A53) South 89°41'30" West, along the South line of said Remainder Lot, 775 feet, more or less, to the Southeast corner of Lot 25 of said Sunrise Estates Six Phase One; thence departing said City Limit line

A54) North 00°13'17" East, along the East line of said Lot 25, a distance of 114 feet, more or less, to the Northeast corner of said Lot 25, being a point on the South Right-of-Way line of Orange Avenue; thence

A55) North 89°38'26" East, along said South Right-of-Way line, 18 feet, more or less, to the Southerly prolongation of the East line of Lot 24 of said Sunrise Estates Six Phase One; thence

A56) North 00°13'17" East, along said Southerly prolongation and continuing along said East line, 145 feet, more or less, to the Northeast corner of said Lot 24; thence

A57) South 89°38'28" West, along the North line of said Lot 24, a distance of 6 feet, more or less, to the Southeast corner of Lot 9 of said Sunrise Estates Six Phase One; thence

A58) North 00°13'17" East, along the East line of said Lot 9, a distance of 95 feet, more or less, to the Northeast corner of said Lot 9, being a point on the South Right-of-Way line of Forest Avenue; thence

A59) North 03°16'18" West, crossing Forest Avenue, 50 feet, more or less, to the Southeast corner of Lot 8 of said Sunrise Estates Six Phase One; thence
A60) North 00°13'17" East, along the East line of said Lot 8, a distance of 95 feet, more or less, to the Northeast corner of said Lot 8, being a point on the South line of Lot 31 of Tract Number 45, recorded in Book 19, Page 82 of Maps, Tulare County Records, also being a point on said City Limit line; thence along said City Limit line the following 25 (twenty-five) courses:

A61) North 89°38'26" East, along the South line of said Tract Number 45, a distance of 765 feet, more or less, to the West Right-of-Way line of State Highway 65; thence

A62) North 00°09'58" East, along said West Right-of-Way line, 534 feet, more or less, to an angle point in said line; thence

A63) North 07°23'39" West, along said West Right-of-Way line, 433 feet, more or less, to the Southeast corner of Parcel 2 of Parcel Map 2747, recorded in Book 28, Page 48 of Parcel Maps, Tulare County Records; thence

A64) South 89°31'37" West, along the South line of said Parcel 2, a distance of 127 feet, more or less, to the Southwest corner of said Parcel 2, being a point on the East Right-of-Way line of Cobb Street; thence

A65) North 00°08'58" East, along said East Right-of-Way line, 134 feet, more or less, to the Easterly prolongation of the South line of that parcel described as Parcel 2 in document recorded November 29, 1999 as Document 1999-0089313, Official Records of Tulare County; thence

A66) South 89°30'22" West, along said prolongation and continuing along said South line, 243 feet, more or less, to the Southwest corner of said Parcel 2, being a point on the East line of that parcel described as Parcel No. 1 in document recorded September 14, 2007 as Document 2007-0082285, Official Records of Tulare County; thence

A67) South 00°09'22" West, along said East line, 582 feet, more or less, to the Southeast corner of said Parcel No. 1; thence

A68) South 89°30'22" West, along the South line of said Parcel No. 1, a distance of 266 feet, more or less, to the East line of Lot 12 of said Tract Number 45; thence

A69) North 00°09'22" East, along the East line of said Lot 12 and the Northerly prolongation thereof, 600 feet, more or less, to the Northeast corner of Lot 4 of said Tract Number 45; thence

A70) South 89°31'15" West, along the North line of said Lot 4, a distance of 216 feet, more or less, to the Northwest corner of said Lot 4, being a point on the East Right-of-Way line of Maston Street; thence
A71) South 00°09'22" West, along said East Right-of-Way line, 14 feet, more or less, to the Easterly prolongation of the North line of Lot 52 of said Tract Number 45; hence

A72) North 89°42'55" West, along said Easterly prolongation and continuing along said North line, 275 feet, more or less, to the Northwest corner of said Lot 52; hence

A73) North 00°17'29" East, along the West line of Lot 53 of said Tract Number 45, a distance of 7 feet, more or less, to an angle point in said City Limit line; hence

A74) South 89°31'37" West, 122 feet, more or less, to the East Right-of-Way line of Prospect Street; hence

A75) North 00°17'29" East, along said East Right-of-Way line, 65 feet, more or less, to the Easterly prolongation of the South line of that parcel described in deed recorded August 10, 2006 as Document 2006-0082600, Official Records of Tulare County; hence

A76) South 89°30'21" West, along said Easterly prolongation and continuing along said South line, 151 feet, more or less, to the Southwest corner of said parcel, being a point on the East line of that parcel described as Parcel 1 in deed recorded July 27, 2004 as Document 2004-0074004, Official Records of Tulare County; hence

A77) South 00°17'29" West, along the boundary of last said parcel, 106 feet, more or less, to an angle point in said boundary; hence

A78) South 89°30'21" West, along said boundary, 70 feet, more or less, to the Northwest corner of said Parcel 1; hence

A79) South 00°17'29" West, along the West line of said parcel, 403 feet, more or less, to the Southwest corner of said Parcel 1; hence

A80) North 89°33'39" West, along said North line, 116 feet, more or less, to the Southeast corner of Lot 4 of Tract Number 319, recorded in Book 22, Page 87 of Maps, Tulare County Records; hence

A81) North 00°36'05" East, along the East line of last said Tract, 402 feet, more or less, to the Northeast corner of Lot 1 of said Tract; hence

A82) North 89°05'03" West, along the North line of said Tract, 361 feet, more or less, to the Northwest corner of Lot 8 of said Tract, being a point on the East line of Lot 17 of Tract Number 68, recorded in Book 19, Page 109 of Maps, Tulare County Records; hence
A83) North 00°10'18" West, along said East line, 25 feet, more or less, to the Northeast corner of said Lot 17; thence

A84) South 89°30'21" West, along the North line of said Tract Number 68, a distance of 611 feet, more or less, to the East Right-of-Way line of Beverly Street; thence

A85) South 00°15'11" West, along said East Right-of-Way line, 275 feet, more or less, to the Easterly prolongation of the North Right-of-Way line of Slaughter Avenue; thence departing said City Limit line

A86) South 89°33'51" West, 50 feet, more or less, to the West Right-of-Way line of Beverly Street, being a point on said City Limit line; thence along said City Limit line the following 9 (nine) courses:

A87) South 89°33'51" West, along said North Right-of-Way line, 631 feet, more or less, to the East Right-of-Way line of Lotas Street; thence

A88) South 00°16'32" West, along said East Right-of-Way line and the Southerly prolongation thereof, 160 feet, more or less, to the South line of the North half of the Northwest quarter of the Northwest quarter of said Section 34; thence

A89) South 89°31'42" West, along said South line, 340 feet, more or less, to the Southeast corner of Lot 13 of Riley Subdivision, recorded in Book 19, Page 30 of Maps, Tulare County Records; thence

A90) North 00°17'48" East, along the East line of said Lot 13, and the Northerly prolongation thereof, 370 feet, more or less, to the Northwest corner of Lot 10 of said Riley Subdivision; thence

A91) North 89°33'51" East, along the North line of said Lot 10, a distance of 150 feet, more or less, to the Southwest corner of Lot 2 of said Riley Subdivision; thence

A92) North 00°16'29" East, along the West line of said Lot 2, and the Northerly prolongation thereof, 213 feet, more or less, to the South Right-of-Way line of Olive Avenue; thence

A93) South 89°30'21" West, along said South Right-of-Way line, 426 feet, more or less, to the East Right-of-Way line of Newcomb Street; thence

A94) North 00°19'07" East, along said East Right-of-Way line, 110 feet, more or less, to the North Right-of-Way line of Olive Avenue; thence

A95) South 89°35'05" West, along said North Right-of-Way line, 1391 feet, more or less, to the West Right-of-Way line of Salisbury Street; thence departing said City Limit line
A96) North 00°16'27" East, along said West Right-of-Way line, 52 feet, more or less, to the beginning of a curve, concave Easterly and having a radius of 330 feet; thence

A97) Northerly, along said West Right-of-Way line, 248 feet, more or less, along the arc of said curve, with a chord of 242 feet subtending an angle of 42°59'09", to the beginning of a reverse curve, concave Westerly and having a radius of 273 feet; thence

A98) Northerly, along said West Right-of-Way line, 193 feet, more or less, along the arc of said reverse curve, with a chord of 189 feet subtending an angle of 40°24'56"; thence

A99) North 02°54'35" East, along said West Right-of-Way line, 20 feet, more or less, to the Southeast corner of Lot 26 of Tract Number 362 Unit 1, recorded in Book 23, Page 51 of Maps, Tulare County Records; thence

A100) North 02°56'52" East, along said West Right-of-Way line, 113 feet, more or less, to a point on the East line of said Lot 26 at the beginning of the transition from said West Right-of-Way line to the South Right-of-Way line of Tomah Avenue; thence

A101) North 00°34'49" East, crossing Tomah Avenue, 103 feet, more or less, to a point on said West Right-of-Way line at the end of the transition from the North Right-of-Way line of Tomah Avenue to said West Right-of-Way line, being a point on the East line of Lot 24 of said Tract Number 362 Unit 1; thence

A102) North 03°42'38" West, along said West Right-of-Way line, 201 feet, more or less, to the East line of Lot 15 of said Tract Number 362 Unit 1, and the beginning of a curve, concave Southwesterly and having a radius of 20 feet; thence

A103) Northwesterly, along the transition from said West Right-of-Way line to the South Right-of-Way line of Cherry Avenue, 25 feet, more or less, along the arc of said curve, with a chord of 24 feet subtending an angle of 72°23'29"; thence

A104) North 76°06'07" West, along said South Right-of-Way line of Cherry Avenue, 269 feet, more or less, to the beginning of a curve, concave Southerly and having a radius of 433 feet; thence

A105) Westerly, along said South Right-of-Way line, 20 feet, more or less, along the arc of said curve, with a chord of 20 feet subtending an angle of 02°31'47", to the intersection of said South Right-of-Way line with the Southerly prolongation of the West Right-of-Way line of Belmont Street; thence

A106) North 00°16'30" East, along said prolongation and continuing along the West Right-of-Way line of Belmont Street and the Northerly prolongation thereof, 348 feet, more or less, to the North Right-of-Way line of Putnam Avenue; thence

A107) North 89°38'45" East, along said North Right-of-Way line, 2680 feet, more or less, to the intersection of said line with the East Right-of-Way line of Beverly Street; thence
A108) South 00°24'32" West, along said East Right-of-Way line, 639 feet, more or less, to the beginning of a curve, concave Northeasterly and having a radius of 20 feet; thence

A109) Southeasterly, along the transition from said East Right-of-Way line to the North Right-of-Way line of Tomah Avenue, 32 feet, more or less, along the arc of said curve, with a chord of 29 feet subtending an angle of 90°53'27"; to the South line of Lot 27 of Tract Number 264, recorded in Book 22, Page 14 of Maps, Tulare County Records; thence

A110) North 89°31'05" East, along said North Right-of-Way line of Tomah Avenue, 114 feet, more or less, to the Southeast corner of said Lot 27, being an angle point in said North Right-of-Way line; thence

A111) South 00°25'14" West, along said North Right-of-Way line, 5 feet, more or less, to an angle point in said line; thence

A112) North 89°31'05" East, along said North Right-of-Way line, 659 feet, more or less, to the Southwest corner of Lot 12 of Tract Number 17, recorded in Book 19, Page 51 of Maps, Tulare County Records; thence

A113) North 00°28'00" East, along the West line of Lots 12 through 20 and 22 of said Tract Number 17, a distance of 610 feet, more or less, to the Northwest corner of said Lot 22, being a point on the South Right-of-Way line of Putnam Avenue; thence

A114) South 89°31'48" West, along said South Right-of-Way line, 25 feet, more or less, to the intersection of said line with the Southerly prolongation of the West Right-of-Way line of Lowery Street; thence

A115) North 00°27'58" East, along said prolongation and continuing along said West Right-of-Way line, 1394 feet, more or less, to the North Right-of-Way line of Morton Avenue; thence

A116) North 89°33'17" East, along said North Right-of-Way line, 645 feet, more or less, to the West Right-of-Way line of Prospect Street; thence

A117) North 00°31'29" East, along said West Right-of-Way line, 34 feet, more or less, to the Westerly prolongation of the South line of Parcel 1 of Parcel Map 3823, recorded in Book 39, Page 26 of Parcel Maps, Tulare County Records, and the North Right-of-Way line of Morton Avenue; thence

A118) North 89°33'07" East, along said North Right-of-Way line, 462 feet, more or less, to a point on the South line of Parcel 2 of said Parcel Map 3823, said point lying 94.57 feet East of the SW corner thereof; thence

A119) South 87°43'39" East, along said North Right-of-Way line, 168 feet, more or less, to the beginning of a curve, concave Northwesterly and having a radius of 20 feet; thence
A120) Northeasterly, along the transition from said North Right-of-Way line to the West Right-of-Way line of Douglas Street, 32 feet, more or less, along the arc of said curve, with a chord of 29 feet subtending an angle of 91°29'22", to said West Right-of-Way line; thence

A121) North 00°43'11" East, along said West Right-of-Way line, 483 feet, more or less, to the beginning of a curve, concave Southwesterly and having a radius of 10 feet; thence

A122) Northwesterly, along the transition from said West Right-of-Way line to the South Right-of-Way line of Bellevue Avenue, 16 feet, more or less, along the arc of said curve, with a chord of 14 feet subtending an angle of 91°11'50"; thence

A123) South 89°31'21" West, along said South Right-of-Way line of Bellevue Avenue, 237 feet, more or less, to the beginning of a curve, concave Southerly and having a radius of 50 feet; thence

A124) Westerly, along said South Right-of-Way line, 20 feet, more or less, along the arc of said curve, with a chord of 20 feet subtending an angle of 23°14'11", to the beginning of a reverse curve, concave Northeasterly and having a radius of 50 feet; thence

A125) Southwesterly, Northwesterly and Northeasterly, along the transition from said South Right-of-Way line to the West Right-of-Way line of Maston Street, 127 feet, more or less, along the arc of said reverse curve, with a chord of 96 feet subtending an angle of 145°08'59", to the beginning of a reverse curve, concave Westerly and having a radius of 50 feet; thence

A126) Northerly, along said West Right-of-Way line of Maston Street, 20 feet, more or less, along the arc of said reverse curve, with a chord of 20 feet subtending an angle of 23°14'11"; thence

A127) North 00°38'11" East, along said West Right-of-Way line, 676 feet, more or less, to the North Right-of-Way line of Grand Avenue; thence

A128) North 89°28'32" East, along said North Right-of-Way line, 822 feet, more or less, to an angle point in said line; thence

A129) North 51°06'54" East, along said North Right-of-Way line, 32 feet, more or less, to an angle point in said line; thence

A130) North 89°28'32" East, along said North Right-of-Way line, 71 feet, more or less, to the West Right-of-Way line of State Highway 65; thence

A131) North 01°53'04" East, along said West Right-of-Way line, 274 feet, more or less, to an angle point in said line; thence
A132) North 03°40'09" West, along said West Right-of-Way line, 321 feet, more or less, to the beginning of a curve, concave Easterly and having a radius of 12,048 feet; thence

A133) Northerly, along said West Right-of-Way line, 306 feet, more or less, along the arc of said curve, with a chord of 306 feet subtending an angle of 01°27'19"; thence

A134) North 02°12'50" West, along said West Right-of-Way line, 298 feet, more or less, to an angle point in said line; thence

A135) North 45°34'41" West, along said West Right-of-Way line, 30 feet, more or less, to the South Right-of-Way line of Henderson Avenue; thence

A136) South 89°25'20" West, along said South Right-of-Way line, 887 feet, more or less, to an angle point in said line; thence

A137) North 00°43'22" West, along said South Right-of-Way line, 30 feet, more or less, to an angle point in said line; thence

A138) South 89°25'20" West, along said South Right-of-Way line, 310 feet, more or less, to the intersection of said line with the Southerly prolongation of the West Right-of-Way line of Prospect Street; thence

A139) North 01°12'18" West, along said prolongation and continuing along said West Right-of-Way line, 302 feet, more or less, to an angle point in said line; thence

A140) South 88°47'54" East, along said West Right-of-Way line, 8 feet, more or less, to an angle point in said line; thence

A141) North 00°59'47" East, along said West Right-of-Way line, 263 feet, more or less, to an angle point in said line; thence

A142) North 01°12'21" West, along said West Right-of-Way line, 114 feet, more or less, to the Westerly prolongation of the South line of Lots 67 and 66 of the Amended Map of Mulberry Village Unit 1, recorded in Book 30, Page 99 of Maps, Tulare County Records; thence

A143) North 89°37'18" East, along said Westerly prolongation and continuing along said South line, 715 feet, more or less, to the Southeast corner of said Lot 66; thence

A144) North 01°39'24" West, along the East line of said Lot 66, and continuing along the East line of Lots 6 through 10 of Mulberry Village Unit 2, recorded in Book 30, Page 97 of Maps, Tulare County Records, and the Northerly prolongation thereof, 680 feet, more or less, to the North Right-of-Way line of Mulberry Avenue; thence

A145) North 89°45'29" East, along said North Right-of-Way line, 610 feet, more or less, to the West Right-of-Way line of State Highway 65; thence
A146) North 89°45'29" East, along the prolongation of said North Right-of-Way line of Mulberry Street, 253 feet, more or less, to the intersection of said line with the East Right-of-Way line of State Highway 65; thence

A147) South 00°17'30" East, along said East Right-of-Way line, 105 feet, more or less, to the intersection of said line with the South Right-of-Way line of Mulberry Street; thence

A148) South 02°36'19" East, along said East Right-of-Way line, 47 feet, more or less, to the beginning of a curve, concave Easterly and having a radius of 2,932 feet; thence

A149) Southerly, along said East Right-of-Way line, 164 feet, more or less, along the arc of said curve, with a chord of 164 feet subtending an angle of 03°11'29"; thence

A150) South 05°47'48" East, along said East Right-of-Way line, 301 feet, more or less, to the beginning of a curve, concave Westerly and having a radius of 5,048 feet; thence

A151) Southerly, along said East Right-of-Way line, 334 feet, more or less, along the arc of said curve, with a chord of 334 feet subtending an angle of 03°47'22"; thence

A152) South 02°00'26" East, along said East Right-of-Way line, 300 feet, more or less, to an angle point in said line; thence

A153) South 45°34'40" East, along said East Right-of-Way line, 30 feet, more or less, to the North Right-of-Way line of Henderson Avenue; thence

A154) North 89°25'20" East, along said North Right-of-Way line, 395 feet, more or less, to an angle point in said line; thence

A155) South 01°44'56" East, along said North Right-of-Way line, 30 feet, more or less, to an angle point in said line; thence

A156) North 89°25'20" East, along said North Right-of-Way line, 50 feet, more or less, to an angle point in said line; thence

A157) North 01°44'56" West, along said North Right-of-Way line, 30 feet, more or less, to an angle point in said line; thence

A158) North 89°25'20" East, along said North Right-of-Way line, 652 feet, more or less, to the Northerly prolongation of the East Right-of-Way line of Indiana Street; thence

A159) South 00°37'12" West, along said East Right-of-Way line, 1087 feet, more or less, to the Easterly prolongation of the North line of Lot 17 of Village Square, recorded in Book 31, Page 42 of Maps, Tulare County Records; thence
A160) South 89°24'14" West, along said prolongation and continuing along the North line of Lots 17 through 19 of said Village Square, 373 feet, more or less, to the Northwest corner of said Lot 19; thence

A161) South 00°41'32" West, along the West line of Lots 19 and 20 of said Village Square and the Southerly prolongation thereof, 324 feet, more or less, to the South Right-of-Way line of Grand Avenue; thence

A162) South 89°23'33" West, along said South Right-of-Way line, 773 feet, more or less, to an angle point in said line; thence

A163) South 44°28'32" West, along said South Right-of-Way line, 72 feet, more or less, to the intersection of said line with the East Right-of-Way line of Porter Street; thence

A164) South 00°40'05" West, along said East Right-of-Way line, 542 feet, more or less, to the intersection of said line with the North Right-of-Way line of Belleview Avenue; thence

A165) North 89°30'55" East, along said North Right-of-Way line, 61 feet, more or less, to the intersection of said line with the Northerly prolongation of the West line of that parcel described in deed recorded January 18, 2008 as Document Number 2008-0004740, Official Records of Tulare County; thence

A166) South 00°43'24" West, along said Northerly prolongation and continuing along said West line, 220 feet, more or less, to the Southwest corner of said parcel; thence

A167) North 89°30'55" East, along the South line of said parcel and the Easterly prolongation thereof, 759 feet, more or less, to the Southeast corner of Parcel 2 of Parcel Map Number 46, recorded in Book 1, Page 46 of Parcel Maps, Tulare County Records, being a point on the West line of that parcel described in deed recorded August 15, 2007 as Document Number 2007-0074112, Official Records of Tulare County; thence

A168) South 00°43'24" West, along the West line of last said parcel, 126 feet, more or less, to the Southwest corner of said parcel; thence

A169) North 89°33'07" East, along the South line of said parcel and the Easterly prolongation thereof, 363 feet, more or less, to the Northerly prolongation of the East Right-of-Way line of Indiana Street; thence

A170) South 00°43’31” West, along said East Right-of-Way line, 367 feet, more or less, to the Easterly prolongation of the South Right-of-Way line of Morton Avenue, thence

A171) South 89°33'07" West, along said South Right-of-Way line of Morton Avenue, 1520 feet, more or less, to the intersection of said line with the West Right-of-Way line of State Highway 65; thence
A172) South 89°38’48" West, along said South Right-of-Way line, 393 feet, more or less, to the Northeast corner of Parcel 1 of Parcel Map Number 3328, recorded in Book 34, Page 30 of Parcel Maps, Tulare County Records; thence

A173) North 87°40’14" West, along said South Right-of-Way line, 98 feet, more or less, to the Northwest corner of said Parcel 1; thence

A174) South 00°33’55" West, along the West line of Parcels 1 and 2 of said Parcel Map Number 3328 and the Southerly prolongation thereof, 677 feet, more or less, to the South Right-of-Way line of Thurman Avenue; thence

A175) South 89°34’35" West, along said South Right-of-Way line, 82 feet, more or less, to the beginning of a curve, concave Southeasterly and having a radius of 20 feet; thence

A176) Southwesterly, along the transition from said South Right-of-Way line to the East Right-of-Way line of Maston Street, 31 feet, more or less, along the arc of said curve, with a chord of 28 feet subtending an angle of 89°01’40’’; thence

A177) South 00°32’55" West, along said East Right-of-Way line of Maston Street, 580 feet, more or less, to the North Right-of-Way line of Putnam Avenue; thence

A178) North 89°32’22" East, along said North Right-of-Way line of Putnam Avenue, 101 feet, more or less, to the Southeast corner of Parcel 4 of Parcel Map Number 1486, recorded in Book 15, Page 87 of Parcel Maps, Tulare County Records, being an angle point in said North Right-of-Way line; thence

A179) South 00°33’55" West, along said North Right-of-Way line, 5 feet, more or less, to an angle point in said line; thence

A180) North 89°32’22" East, along said North Right-of-Way line, 85 feet, more or less, to an angle point in said line; thence

A181) North 00°33’55" East, along said North Right-of-Way line, 5 feet, more or less, to the Southwest corner of Parcel 2 of Parcel Map Number 4029, recorded in Book 41, Page 33 of Parcel Maps, Tulare County Records, being an angle point in said North Right-of-Way line; thence

A182) North 89°32’22" East, along said North Right-of-Way line, 150 feet, more or less, to the Southeast corner of Parcel 1 of said Parcel Map Number 4029, being an angle point in said North Right-of-Way line; thence

A183) South 00°35’18" West, along said North Right-of-Way line, 5 feet, more or less, to an angle point in said line; thence

A184) North 89°32’22" East, along said North Right-of-Way line, 90 feet, more or less, to an angle point in said line; thence
A185) North 00°35'18" East, along said North Right-of-Way line, 5 feet, more or less, to the Southwest corner of Parcel 1 of Parcel Map Number 2303, recorded in Book 24, Page 4 of Parcel Maps, Tulare County Records, being an angle point in said North Right-of-Way line; thence

A186) North 89°32'22" East, along said North Right-of-Way line, 502 feet, more or less, to the intersection of said line with the Southerly prolongation of the West line of Parcel 1 of Parcel Map Number 4057, recorded in Book 41, Page 61 of Parcel Maps, Tulare County Records; thence

A187) North 00°40'05" East, along said Southerly prolongation and continuing along the West line of Parcels 1 through 3 of said Parcel Map Number 4057, a distance of 451 feet, more or less, to an angle point in said West line of said Parcel 3; thence

A188) North 89°32'36" East, along said West line of Parcel 3, a distance of 5 feet, more or less, to an angle point in said line; thence

A189) North 00°37'17" East, along said West line, 15 feet, more or less, to the Northwest corner of said Parcel 3; thence

A190) North 89°29'15" East, along the North line of said Parcel 3 and the Easterly prolongation thereof, 704 feet, more or less, to the Northeast corner of that parcel described as Parcel 1 in deed recorded December 29, 1989 as Instrument Number 75471, in Volume 4928, Page 708, Official Records of Tulare County; thence

A191) South 00°53'06" West, along the East line of said parcel, 466 feet, more or less, to the North Right-of-Way line of Putnam Avenue, thence

A192) North 89°28'04" East, along said North Right-of-Way line, 444 feet, more or less, to the East line of said Section 27; thence

A193) South 00°43'23" West, along said East line, 1320 feet, more or less, to the North Right-of-Way line of Olive Avenue; thence

A194) South 89°43'10" East, along said North Right-of-Way line, 25 feet, more or less, to the Southwest corner of Parcel 1 of Parcel Map Number 3006, recorded in Book 31, Page 7 of Parcel Maps, Tulare County Records; thence

A195) North 00°43'23" East, along the West line of said Parcel 1, a distance of 190 feet, more or less, to the Northwest corner of said Parcel 1; thence

A196) South 89°44'06" East, along the North line of said Parcel 1 and the Easterly prolongation thereof, 305 feet, more or less, to the Southerly prolongation of the West line of Lot 4 of Tract Number 280, recorded in Book 22, Page 31 of Maps, Tulare County Records; thence

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A197) North 00°43’00” East, along said Southerly prolongation, 118 feet, more or less, to the Southwest corner of said Lot 4; thence

A198) South 89°44’58” East, along the South line of said Lot 4 and the Easterly prolongation thereof, 180 feet, more or less, to the Southeast corner of Lot 5 of said Tract Number 280; thence

A199) North 00°41’31” East, along the East line of said Lot 5, a distance of 68 feet, more or less, to the Northeast corner of said Lot 5, being a point on the South Right-of-Way line of Garden Place; thence

A200) South 89°44’58” East, along said South Right-of-Way line, 174 feet, more or less, to the East Right-of-Way line of Cottage Street; thence

A201) North 00°42’37” East, along said East Right-of-Way line, 14 feet, more or less, to the Northwest corner of Lot 18 of Olive Terrace, recorded in Book 18, Page 66 of Maps, Tulare County Records; thence

A202) South 89°44’29” East, along the North line of said Lot 18 and the Easterly prolongation thereof and continuing along the South line of Lot 10 of said Olive Terrace, 305 feet, more or less, to the Southeast corner of said Lot 10, being a point on the West line of that parcel described in deed recorded April 7, 1949 as Instrument Number 9061, in Book 1357, Page 460, Official Records of Tulare County; thence

A203) North 00°42’15” East, along said West line, a distance of 4 feet, more or less, to the Northwest corner of said parcel; thence

A204) South 89°44’43” East, along the North line of said parcel, 305 feet, more or less, to the Northeast corner of said parcel, being a point on the West Right-of-Way line of Villa Street; thence

A205) South 00°41’52” West, along said West Right-of-Way line, 16 feet, more or less, to the Westerly prolongation of the North line of that parcel described as Item Number 4, Parcel 1 in deed recorded August 16, 2006 as Document Number 2006-0085052, Official Records of Tulare County; thence

A206) South 89°44’58” East, along said Westerly prolongation and continuing along said North line, 355 feet, more or less, to the Northeast corner of said Parcel 1, being a point on the West line of Lot 29 of Frame Tract, recorded in Book 17, Page 44 of Maps, Tulare County Records; thence

A207) North 00°41’29” East, along said West line, 29 feet, more or less, to the Northwest corner of said Lot 29; thence
A208) South 89°44'40" East, along the North line of said Lot 29 and the Easterly prolongation thereof, 389 feet, more or less, to the Northeast corner of Lot 6 of said Frame Tract, being a point on the West line of Lot 24 of Sinarle Tract, recorded in Book 21, Page 19 of Maps, Tulare County Records; thence

A209) North 00°51'30" East, along said West line, 7 feet, more or less, to the Northwest corner of said Lot 24; thence

A210) North 89°50'52" East, along the North line of said Lot 24 and the Easterly prolongation thereof, 175 feet, more or less, to the East Right-of-Way line of Sinarle Street, and the beginning of a non-tangent curve, concave Northeasterly and having a radius of 20 feet and a beginning radial which bears North 89°08'25" West; thence

A211) Southeasterly, along the transition from said East Right-of-Way line to the North Right-of-Way line of Garden Street, 32 feet, more or less, along said non-tangent curve, with a chord of 28 feet subtending an angle of 90°36'00"; thence

A212) South 89°46'22" East, along said North Right-of-Way line, 494 feet, more or less, to the East Right-of-Way line of Jaye Street; thence

A213) South 00°49'22" West, along said East Right-of-Way line, 22 feet, more or less, to the Northwest corner of Lot 22 of High School Terrace, recorded in Book 19, Page 24 of Maps, Tulare County Records; thence

A214) South 89°00'10" East, along the North line of said Lot 22 and the Easterly prolongation thereof, 397 feet, more or less, to the Northeast corner of Lot 6 of said High School Terrace; thence

A215) South 01°01'36" West, along the East line of said Lot 6, a distance of 25 feet, more or less, to the Northwest corner of that parcel described in deed recorded February 22, 2002 as Document Number 2002-0013658, Official Records of Tulare County; thence

A216) South 89°06'36" East, along the North line of said parcel and the Easterly prolongation thereof, 200 feet, more or less, to the East Right-of-Way line of "H" Street; thence

A217) South 01°01'35" West, along said East Right-of-Way line, 28 feet, more or less, to the Northwest corner of that parcel described as Parcel 2 in deed recorded September 12, 2005 as Document Number 2005-0098987, Official Records of Tulare County; thence

A218) South 89°00'10" East, along the North line of said parcel, 140 feet, more or less, to the Northeast corner of said parcel; thence

A219) South 00°58'46" West, along the East line of said parcel, 38 feet, more or less, to the Northwest corner of that parcel described as Parcel 2 of Item 6 in deed recorded January 14, 2004 as Document Number 2004-0003783, Official Records of Tulare County; thence
A220) South 89°00'10" East, along the North line of said parcel, 140 feet, more or less, to the Northeast corner of said parcel, being a point on the West Right-of-Way line of “G” Street; thence

A221) South 03°08'48" West, along said West Right-of-Way line, 36 feet, more or less, to the Westerly prolongation of the North Right-of-Way line of Willow Avenue; thence

A222) South 88°59'25" East, along said North Right-of-Way line, 851 feet, more or less, to the West Right-of-Way line of “E” Street, being a point on said boundary of the Porterville Redevelopment Agency Project Area “1”, thence along said boundary the following 14 (fourteen) courses:

A223) South 01°02'15" West, along the West Right-of-Way line of “E” Street, 2904 feet, more or less, to the Southeast corner of Lot 7 of Swastika Subdivision, recorded in Book 7, Page 65 of Maps, Tulare County Records; thence

A224) South 02°40'20" West, along said West Right-of-Way line, 50 feet, more or less, to the Northeast corner of Lot 1 of Swastika First Extension, recorded in Book 16, Page 7 of Maps, Tulare County Records; thence

A225) South 00°57'42" West, along said West Right-of-Way line, 226 feet, more or less, to the Southeast corner of Lot 34 of said Swastika First Extension, being a point on the Northerly prolongation of the West line of Lot 36 of said Swastika First Extension; thence

A226) South 01°02'29" West, along said Northerly prolongation and continuing along said West line, 158 feet, more or less, to the Southwest corner of said Lot 36; thence

A227) South 89°02'56" East, along the South line of said Lot 36, a distance of 14 feet, more or less, to the Northerly prolongation of the East line of Lot 55 of said Pleasant Grove Tract; thence

A228) South 01°46'59" West, along said Northerly prolongation and continuing along said East line, 428 feet, more or less, to the Southeast corner of said Lot 55, being a point on the North line of Parcel 2 of Parcel Map Number 1002, recorded in Book 11, Page 3 of Parcel Maps, Tulare County Records; thence

A229) North 89°49'02" West, along said North line, 113 feet, more or less, to an angle point in said line; thence

A230) South 88°26'22" West, along said North line, 131 feet, more or less, to an angle point in said line; thence
A231) North 71°29'56" West, along said North line, 210 feet, more or less, to an angle point in said line; thence

A232) North 81°50'33" West, along said North line, 308 feet, more or less, to the West line of Lot 57 of said Pleasant Grove Tract; thence

A233) South 00°10'31" West, along said West line, 564 feet, more or less, to the Southwest corner of said Lot 57; thence

A234) South 00°10'31" West, along the Southerly prolongation of said West line, 60 feet, more or less, to the South Right-of-Way line of Springville Avenue; thence

A235) North 89°49'16" West, along said South Right-of-Way line, 215 feet, more or less, to the Northwest corner of said Parcel 1 of Parcel Map Number 1014; thence

A236) South 00°24'22" West, along the West line of said Parcel 1, a distance of 450 feet, more or less, to the POINT OF BEGINNING.

Sub Area B:

A parcel of land within Section 15, 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 intersection of the North Right-of-Way line of Linda Vista Avenue and the West Right-of-way line of the Union Pacific Railroad, being a point on the East line of Lot 32 of Pioneer Land Company's Second Subdivision, as recorded in Book 3 of Maps at Page 23, Tulare County Records, also being a point on the City Limit line of the City of Porterville; thence

B1) North 61°32'19" East, along said North Right-of-Way line and along said City Limit line, 335 feet, more or less, to an angle point in said City Limit line; thence departing said City Limit line and continuing

B2) North 61°32'19" East, along the Easterly prolongation of said North Right-of-Way line, 89 feet, more or less, to the East Right-of-Way line of Main Street; thence

B3) South 30°19'36" East, along said East Right-of-Way line, 2375 feet, more or less, to the North line of the South half of the North half of the Southeast quarter of said Section 15, being a point on the City Limit line; thence along said City Limit line the following 3 (three) courses:

B4) North 89°19'22" West, along said North line, 765 feet, more or less, to the East Right-of-Way line of the Union Pacific Railroad and the beginning of a non-tangent curve, concave Northeasterly and having a radius of 5,500 feet and a beginning radial which bears South 64°55'19" West; thence
B5) Southeasterly, along said East Right-of-Way line, 761 feet, more or less, along the arc of said non-tangent curve, with a chord of 761 feet subtending an angle of 7° 55' 45'', to the South Right-of-Way line of North Grand Avenue; thence

B6) North 89° 23' 38" West, along said South Right-of-Way line, 120 feet, more or less, to the West Right-of-Way line of the Union Pacific Railroad; thence departing said City Limit line

B7) North 89° 23' 38" West, along said South Right-of-Way line, 161 feet, more or less, to the Northerly prolongation of the East line of Parcel 1 of Parcel Map Number 1016, recorded in Book 11, Page 17 of Parcel Maps, Tulare County Records; thence

B8) South 01° 08' 48" East, along said South Right-of-Way line and said Northerly prolongation, 5 feet, more or less, to the Northeast corner of said Parcel 1, being a point on said City Limit line; thence

B9) North 89° 23' 38" West, along said South Right-of-Way line and said City Limit line and the North line of said Parcel 1, a distance of 250 feet, more or less, to the Northwest corner of said Parcel 1; thence departing said City Limit line

B10) North 00° 36' 49" East, along said South Right-of-Way and the Northerly prolongation of the West line of said Parcel 1, a distance of 5 feet, more or less; thence

B11) North 89° 23' 38" West, along said South Right-of-Way, 112 feet, more or less, to the Southerly prolongation of the East Right-of-Way line of State Highway 65; thence

B12) North 11° 52' 47" West, along said prolongation and continuing along said East Right-of-Way line, 135 feet, more or less, to the beginning of a curve, concave Westerly and having a radius of 7083 feet; thence

B13) Northerly, along said East Right-of-Way line, 143 feet, more or less, along the arc of said curve, with a chord of 143 feet subtending an angle of 01° 09' 29''; thence

B14) North 01° 12' 30" West, along said East Right-of-Way line, 56 feet, more or less, to an angle point in said line; thence

B15) North 15° 00' 49" West, along said East Right-of-Way line, 67 feet, more or less, to the beginning of a curve, concave Southwesterly and having a radius of 7086 feet; thence

B16) Northerly, along said East Right-of-Way line, 607 feet, more or less, along the arc of said curve, with a chord of 606 feet subtending an angle of 04° 54' 17'', to the beginning of a reverse curve, concave Northeasterly and having a radius of 1926 feet; thence

B17) Northerly, along said East Right-of-Way line, 106 feet, more or less, along the arc of said curve, with a chord of 106 feet subtending an angle of 03° 09' 13'', to the Southwest
corner of Parcel 9 of Parcel Map Number 3942, recorded in Book 40, Page 46 of Parcel Maps, Tulare County Records; thence

B18) South 89°18'15" East, along the South line of said Parcel 9, a distance of 304 feet, more or less, to the West Right-of-Way line of the Union Pacific Railroad; thence

B19) North 20°15'17" West, along said West Right-of-Way line, 1528 feet, more or less, to the POINT OF BEGINNING.

Sub Area C:

A parcel of land within sections 23, 24, 25, and 26 of 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 Block 6 of El Bonito Tract, recorded in Book 2, Page 121 of Maps, Tulare County Records, being the intersection of the West Right-of-Way line of North “E” Street and the South Right-of-way line of West Putnam Avenue, also being a point on the boundary of the Porterville Redevelopment Agency Project Area “1”; thence departing said boundary

C1) North 00°58'56" East, along said West Right-of-way line of North “E” Street, 1233 feet, more or less, to the East line of Lot 1 of Block 10 of said El Bonito Tract, and the beginning of a curve, concave Southwesterly and having a radius of 20 feet; thence

C2) Northwesterly, 32 feet, more or less, along the arc of said curve, with a chord of 29 feet subtending an angle of 92°37'38", to the South Right-of-Way line of West Morton Avenue; thence

C3) South 88°21'17" West, along said South Right-of-Way line, 100 feet, more or less, to the Southerly prolongation of the East line of Lots 92 and 96 of Pioneer Land Company’s First Subdivision, recorded in Book 3, Page 34 of Maps, Tulare County Records, being the West Right-of-Way line of North “E” Street; thence

C4) North 00°33'23" East, along said West Right-of-Way line and the northerly prolongation thereof, 1362 feet, more or less, to the North Right-of-Way line of West Grand Avenue; thence

C5) South 89°21'31" East, along said North Right-of-Way line, 81 feet, more or less, to the East Right-of-Way line of North “E” Street, said point lying on the West line of Lot 112 of said Pioneer Land Company’s First Subdivision; thence

C6) North 00°53'27" East, along said West line, a distance of 10 feet, more or less, to the Northwest corner of said Lot 112; thence
C7) South 89°21'31" East, along the North line of said Lot 112, a distance of 118 feet, more or less, to the Northeast corner of said Lot 112, being a point on the West Right-of-Way line of the Union Pacific Railroad, and the beginning of a non-tangent curve, concave Southwesterly and having a radius of 5500 feet and a beginning radial which bears North 76°47'25" East; thence

C8) Northerly, along said West Right-of-Way line, 2092, feet more or less, along the arc of said non-tangent curve, with a chord of 2079 feet subtending an angle of 21°47'36", to the Northeast corner of Parcel 3 of Parcel Map 2568, recorded in Book 26, Page 69 of Parcel Maps, Tulare County Records, being a point on the City Limit line of the City of Porterville; thence along said City Limit line the following 9 (nine) courses:

C9) South 89°25'13" East, along the Easterly prolongation of the North line of said Parcel 3, a distance of 123 feet, more or less, to the East Right-of-Way line of the Union Pacific Railroad; thence

C10) South 32°42'32" East, along said East Right-of-Way line, 75 feet, more or less, to the Northwest corner of Parcel 1 of Parcel Map 2252, recorded in Book 23, Page 53 of Parcel Maps, Tulare County Records; thence

C11) North 52°26'14" East, along the North line of said Parcel 1, a distance of 157 feet, more or less, to the Northeast corner of said Parcel 1, being a point on the West Right-of-Way line of Main Street; thence

C12) North 36°50'10" West, along said West Right-of-Way line, 2396 feet, more or less, to an angle point in said line; thence

C13) North 39°34'54" West, along said West Right-of-Way line, 148 feet, more or less, to an angle point in said line; thence

C14) North 38°42'32" West, along said West Right-of-Way line, 389 feet, more or less, to an angle point in said City Limit line; thence

C15) South 56°58'23" West, 186 feet, more or less, to the East Right-of-Way line of the Union Pacific Railroad; thence

C16) North 38°15'21" West, along said East Right-of-Way line, 1086 feet, more or less, to the South Right-of-Way line of Pioneer Avenue; thence

C17) North 86°36'30" West, along said South Right-of-Way line, 239 feet, more or less, to the West Right-of-Way line of Villa Street; thence departing said City Limit line

C18) North 83°36'30" West, along said South Right-of-Way line, 408 feet, more or less, to the Northwest corner of Lot 5 of Deciduous Tract, recorded in Book 12, Page 12 of Maps, Tulare County Records; thence
C19) South 01°49'50" East, along the West line of said Lot 5 and said South Right-of-Way line, 5 feet, more or less, to the Northeast corner of Parcel 3 of Parcel Map Number 3890, recorded in Book 39, Page 94 of Parcel Maps, Tulare County Records; thence

C20) North 83°36'30" West, along the North line of said Parcel 3 and said South Right-of-Way line, 209 feet, more or less, to the Northwest corner of Parcel 1 of said Parcel Map Number 3890, being a point on the East line of Lot 3 of said Deciduous Tract; thence

C21) North 01°49'46" West, along said East line of Lot 3 and said South Right-of-Way line, a distance of 5 feet, more or less, to the Northeast corner of said Lot 3; thence

C22) North 83°36'30" West, along said South Right-of-Way line, 607 feet, more or less, to a point lying 20 feet East of the West line of the Northwest quarter of said Section 23, measured at right angles thereto; thence

C23) North 01°43'30" West, along a line parallel with and 20 feet distant from said West line, 1264 feet, more or less, to a point lying 50 feet South of the North line of the Northwest quarter of said Section 23; thence

C24) South 71°24'32" East, 343 feet, more or less, to a point on the West Right-of-Way line of the Union Pacific Railroad, said point lying 200 feet South of said North line, measured along said West Right-of-Way line, and being a point on said City Limit line; thence along said City Limit line the following 2 (two) courses:

C25) South 38°15'21" East, along said West Right-of-Way line, 812 feet, more or less, to the Westerly prolongation of the South line of Parcel 1 of Parcel Map 1570, recorded in Book 16, Page 71 of Parcel Maps, Tulare County Records; thence

C26) North 81°38'53" East, along said Westerly prolongation, 115 feet, more or less, to the Southwest corner of said Parcel 1, being a point on the East Right-of-Way line of the Union Pacific Railroad; thence departing said City Limit line

C27) South 38°15'21" East, along said East Right-of-Way line, 809 feet, more or less, to the North Right-of-Way line of Pioneer Avenue; thence

C28) South 83°59'23" East, along said North Right-of-Way line and the Easterly prolongation thereof, 383 feet, more or less, to the East Right-of-Way line of Main Street; thence

C29) South 33°21'26" East, along said East Right-of-Way line, 144 feet, more or less, to an angle point in said line; thence

C30) South 36°35'30" East, along said East Right-of-Way line, 499 feet, more or less, to an angle point in said line; thence
C31) South 37°48'31" East, along said East Right-of-Way line, 799 feet, more or less, to an angle point in said line; thence

C32) South 37°05'58" East, along said East Right-of-Way line, 1654 feet, more or less, to an angle point in said line; thence

C33) South 89°03'13" East, along said East Right-of-Way line, 25 feet, more or less, to an angle point in said line; thence

C34) South 37°05'58" East, along said East Right-of-Way line, 491 feet, more or less, to the West Right-of-Way line of Highland Drive; thence

C35) South 37°25'56" East, 92 feet, more or less, to an angle point in the West line of Lot 36 of Grand View Tract, recorded in Book 16, Page 45 of Maps, Tulare County Records, being a point on the East Right-of-Way line of Main Street; thence

C36) South 53°26'51" East, along said West line of Lot 36, a distance of 25 feet, more or less, to the Southwest corner of said Lot 36; thence

C37) North 64°13'31" East, along the South line of said Lot 36, a distance of 14 feet, more or less, to the Westernmost corner of Parcel 3 of Parcel Map Number 64, recorded in Book 1, Page 64 of Parcel Maps, Tulare County Records; thence

C38) South 51°06'35" East, along the Southwesterly line of said Parcel 3 and the Southeasterly prolongation thereof, 208 feet, more or less, to an angle point in the South line of Parcel 3 of Parcel Map Number 2020, recorded in Book 21, Page 21 of Parcel Maps, Tulare County Records; thence

C39) South 63°12'59" East, along the South line of last said Parcel 3 and the Easterly prolongation thereof, 77 feet, more or less, to an angle point in the South line of Parcel 2 of said Parcel Map Number 2020; thence

C40) South 82°39'59" East, along said South line, 56 feet, more or less, to an angle point in said line; thence

C41) North 76°55'41" East, along said South line, 59 feet, more or less, to the Northerly prolongation of the West line of Lot 11 of Scenic Heights, recorded in Book 8, Page 77 ½ of Maps, Tulare County Records; thence

C42) South 10°00'29" East, along said prolongation and continuing along said West line, 63 feet, more or less, to the Southwest corner of said Lot 11; thence

C43) North 89°48'05" East, along the South line of said Lot 11 and the Easterly prolongation thereof, 267 feet, more or less, to the Southwest corner of Lot 18 of Olivewood Homes Unit Number 1, recorded in Book 26, Page 91 of Maps, Tulare County Records; thence
C44) North 88°25'05" East, along the South line of said Lot 18 and the Easterly prolongation thereof, 270 feet, more or less, to the Southwest corner of Lot 15 of said Olivewood Homes Unit Number 1; thence

C45) North 83°16'55" East, along the South line of said Lot 15 and the Easterly prolongation thereof, 131 feet, more or less, to the Southwest corner of Lot 13 of said Olivewood Homes Unit Number 1; thence

C46) North 89°59'00" East, along the South line of said Lot 13 and the Easterly prolongation thereof, 130 feet, more or less, to the East Right-of-Way line of Lime Street; thence

C47) South 00°25'44" East, along said East Right-of-Way line, 138 feet, more or less, to the North line of Lot 35 of Tract Number 36, recorded in Book 19, Page 70 of Maps, Tulare County Records, being an angle point in said East Right-of-Way line; thence

C48) South 89°46'04" West, along said North line, 5 feet, more or less, to the Northwest corner of said Lot 35, being an angle point in said East Right-of-Way line; thence

C49) South 00°25'44" East, along the West line of said Lot 35, a distance of 111 feet, more or less, to the Southwest corner of said Lot 35, being an angle point in said East Right-of-Way line; thence

C50) North 89°46'04" East, along the South line of said Lot 35, a distance of 5 feet, more or less, to an angle point in said East Right-of-Way line; thence

C51) South 00°25'44" East, along said East Right-of-Way line, 195 feet, more or less, to the Southwest corner of Lot 37 of said Tract Number 36; thence

C52) North 89°46'04" East, along the South line of said Lot 37 and the Easterly prolongation thereof, 657 feet, more or less, to the Southeast corner of Lot 11 of said Tract Number 36; thence

C53) North 00°24'46" West, along the East line of said Lot 11, a distance of 9 feet, more or less, to the Southwest corner of Lot 4 of Tract Number 158, recorded in Book 20, Page 47 of Maps, Tulare County Records; thence

C54) North 89°46'04" East, along the South line of said Lot 4 and the Easterly prolongation thereof, 190 feet, more or less, to the Northwest corner of Lot 36 of said Tract Number 158, being a point on the East Right-of-Way line of Second Street; thence

C55) South 00°24'46" East, along said East Right-of-Way line, 100 feet, more or less, to the Northwest corner of Lot 38 of said Tract Number 158, and the beginning of a curve, concave Westerly and having a radius of 121 feet; thence
C56) Southerly, along said East Right-of-Way line, 65 feet, more or less, along the arc of said curve, with a chord of 65 feet subtending an angle of 30°56'05'', to the beginning of a reverse curve, concave Easterly and having a radius of 60 feet; thence

C57) Southerly, along said East Right-of-Way line, 28 feet, more or less, along the arc of said reverse curve, with a chord of 28 feet subtending an angle of 26°29'16'', to the beginning of a compound curve, concave Northeasterly and having a radius of 15 feet; thence

C58) Southeastery, along said East Right-of-Way line, 24 feet, more or less, along the arc of said compound curve, with a chord of 22 feet subtending an angle of 91°36'46'', to the North Right-of-Way line of Henderson Avenue; thence

C59) South 89°46'04'' East, along said North Right-of-Way line, 142 feet, more or less, to the Southeast corner of said Lot 38, being a point on the West Right-of-Way line of Williford Street; thence

C60) North 77°05'34'' East, 73 feet, more or less, to the South line of Parcel 3 of Parcel Map Number 1626, recorded in Book 17, Page 27 of Parcel Maps, Tulare County Records; thence

C61) North 86°07'03'' East, along said South line and said North Right-of-Way line, 78 feet, more or less, to an angle point in the South line of Parcel 4 of said Parcel Map Number 1626; thence

C62) North 89°34'20'' East, along said North Right-of-Way line, 587 feet, more or less, to the Southeast corner of that parcel described in Deed recorded March 11, 1987 as Document Number 13929 in Volume 4541, Page 591 of Official Records, Tulare County; thence

C63) North 00°24'58'' West, along the East line of last said parcel, 612 feet, more or less, to the Northeast corner of said parcel; thence

C64) North 89°44'39'' East, 133 feet, more or less, to the Northwest corner of Parcel 1 of Parcel Map Number 3217, recorded in Book 33, Page 18 of Parcel Maps, Tulare County Records; thence

C65) South 00°24'58'' East, along the West line of said Parcel 1 and the Southerly prolongation thereof, 258 feet, more or less, to the Southwest corner of Lot A of said Parcel Map Number 3217; thence

C66) North 89°46'28'' East, along the South line of said Lot A, 184 feet, more or less, to the Northwest corner of Parcel 8 of said Parcel Map Number 3217; thence

C67) South 00°24'50'' East, along the West line of said Parcel 8, a distance of 170 feet, more or less, to the Southwest corner of said Parcel 8; thence
C68) North 89°46′28″ East, along the South line of said Parcel 8 and the Easterly prolongation thereof, 571 feet, more or less, to the Southeast corner of Parcel 5 of said Parcel Map Number 3217, being a point on the West Right-of-Way line of Plano Street; thence

C69) North 00°24′50″ West, along said West Right-of-Way line and the Northerly prolongation thereof, 148 feet, more or less, to the Westerly prolongation of the South line of Parcel 2 of Parcel Map Number 4058, recorded in Book 41, Page 62 of Parcel Maps, Tulare County Records; thence

C70) North 89°44′35″ East, along said Westerly prolongation and continuing along said South line of Parcel 2, a distance of 393 feet, more or less, to an angle point in said South line; thence

C71) South 00°24′37″ East, along said South line of Parcel 2, a distance of 38 feet, more or less, to an angle point in said South line; thence

C72) North 89°45′12″ East, along said South line, 311 feet, more or less, to the Southeast corner of said Parcel 2, being a point on the East line of Lot 55 of said Pioneer Land Company's First Subdivision; thence

C73) South 00°27′50″ East, along said East line and the Southerly prolongation thereof, 373 feet, more or less, to the South Right-of-Way line of Henderson Avenue; thence

C74) South 89°45′55″ West, along said South Right-of-Way line, 620 feet, more or less, to the East Right-of-Way line of Plano Street; thence

C75) South 01°18′25″ East, along said East Right-of-Way line, 1301 feet, more or less, to the South Right-of-Way line of Grand Avenue; thence

C76) North 89°49′26″ West, along said South Right-of-Way line, 41 feet, more or less, to the East Right-of-Way line of Plano Street; thence

C77) South 01°21′50″ East, along said East Right-of-Way line, 237 feet, more or less to the Easterly prolongation of the North line of Lot 11 of Western Hills Tract, recorded in Book 30, Page 41 of Maps, Tulare County Records; thence

C78) North 89°51′57″ West, along said Easterly prolongation, and continuing along said North line and the Westerly prolongation thereof, 656 feet, more or less, to the Northwest corner of Lot 8 of said Western Hills Tract, being a point on the East line of Parcel 4 of Parcel Map Number 1987, recorded in Book 20, Page 88 of Parcel Maps, Tulare County Records; thence

C79) North 01°36′16″ West, along said East line, 232 feet, more or less, to the South Right-of-Way line of Grand Avenue; thence
C80) South 89°50'22" West, along said South Right-of-Way line and the Westerly prolongation thereof, 401 feet, more or less, to the Southerly prolongation of the West line of Parcel 1 of Parcel Map Number 3543, recorded in Book 36, Page 46 of Parcel Maps, Tulare County Records; thence

C81) North 00°57'14" East, along said Southerly prolongation, and continuing along said West line and the Northerly prolongation thereof, 679 feet, more or less, to the Northwest corner of Parcel 3 of Parcel Map Number 4249, recorded in Book 43, Page 53 of Parcel Maps, Tulare County Records; thence

C82) South 89°58'22" West, 25 feet, more or less, to the former West Right-of-Way line of Henrahan Street, now abandoned; thence

C83) North 00°59'05" East, along the Northerly Prolongation of said West Right-of-Way line of Henrahan Street, now abandoned, 624 feet, more or less, to the South Right-of-Way line of Henderson Street; thence

C84) North 89°46'04" West, along said South Right-of-Way line, 200 feet, more or less, to the East Right-of-Way line of Fourth Street; thence

C85) South 86°12'55" West, 81 feet, more or less, to the North line of Lot 1 of Sierra View Tract, recorded in Book 18, Page 76 of Maps, Tulare County Records; thence

C86) South 89°26'17" West, along said South Right-of-Way line, 695 feet, more or less, to the West line of Lot 10 of Sturms Home Tract, recorded in Book 17, Page 10 of Maps, Tulare County Records, being an angle point in said South Right-of-Way line; thence

C87) South 00°55'10" West, along said West line, 6 feet, more or less, to an angle point in said South Right-of-Way line; thence

C88) South 89°46'04" West, along said South Right-of-Way line, 595 feet, more or less, to an angle point in said line; thence

C89) South 01°15'08" East, along said South Right-of-Way line, 10 feet, more or less, to an angle point in said line; thence

C90) South 89°45'29" West, along said South Right-of-Way line, 47 feet, more or less, to the intersection of said line with the East Right-of-Way line of Lime Street; thence

C91) South 01°20'13" East, along said East Right-of-Way line, 443 feet, more or less, to the intersection of said line with the North Right-of-Way line of Danner Avenue; thence

C92) North 88°39'37" East, along said North Right-of-Way line, 300 feet, more or less, to the Southwest corner of Lot 17 of John Danner Tract, recorded in Book 18, Page 25 of Maps, Tulare County Records; thence
C93) South 01°20’35” East, 60 feet, more or less, to the Northwest corner of Lot 32 of said John Danner Tract; thence

C94) South 01°20’35” East, along the West line of said Lot 32, a distance of 128 feet, more or less, to the Southwest corner of said Lot 32, being a point on the North line of Lot 1 of Sheldon Subdivision, recorded in Book 21, Page 38 of Maps, Tulare County Records; thence

C95) South 88°39’38” West, along said North line, 2 feet, more or less, to the Northwest corner of said Lot 1; thence

C96) South 00°56’03” East, along the West line of said Lot 1, a distance of 129 feet more or less, to the Southwest corner of said Lot 1, being a point on the North Right-of-Way line of Gibson Avenue; thence

C97) North 88°31’00” East, along said North Right-of-Way line, 60 feet, more or less, to the Northerly prolongation of the East Right-of-Way line of Division Street; thence

C98) South 00°43’07” West, along said East Right-of-Way line, 312 feet, more or less, to the North Right-of-Way line of Doris Avenue; thence

C99) North 88°36’13” East, along said North Right-of-Way line, 378 feet, more or less, to the West Right-of-Way line of Second Street; thence

C100) South 88°36’13” East, 60 feet, more or less, to the East Right-of-Way line of Second Street; thence

C101) South 00°49’47” West, along said East Right-of-Way line, 1526 feet, more or less, to the South Right-of-Way line of Morton Avenue, being a point on the boundary of the Porterville Redevelopment Agency Project Area “1”; thence along said boundary the following 3 (three) courses:

C102) North 89°23’10” West, along said South Right-of-Way line, 1242 feet, more or less, to the Northeast corner of Lot 17 of Block 1 of El Bonito Tract, recorded in Book 2, Page 121 of Maps, Tulare County Records; thence

C103) South 01°01’11” West, along the boundary of said Project Area “1”, a distance of 1223 feet, more or less, to the Northeast corner of Lot 1 of Block 5 of said El Bonito Tract, and the South Right-of-Way line of Putnam Avenue; thence

C104) North 89°59’25” West, along said South Right-of-Way line, 229 feet, more or less, to the POINT OF BEGINNING.

Exclusion Area CX:
EXCEPTING FROM “Sub Area C” that parcel described in deed recorded October 6, 2006 as Document Number 2006-0103536, Official Records of Tulare County, situate in the Southeast quarter of Section 23, Township 21 South, Range 27 East, Mount Diablo Base & Meridian, and being more particularly described as follows:

Commencing for reference at the terminus of Course “C11” of the preceding description of Sub Area C, being the Northeast corner of Parcel 1 of Parcel Map 2252, recorded in Book 23, Page 53 of Parcel Maps, Tulare County Records, also being a point on the westerly Right-of-way line of Main Street; thence

CX1) South 37°07’53” East, along said westerly Right-of-Way line, 267 feet, more or less, to an angle point in the easterly line of Parcel 3 of said Parcel Map 2252, being the most northerly corner of said parcel described in Document Number 2006-0103536, also being a point on the City Limit line of the City of Porterville, and the POINT OF BEGINNING; thence along said City Limit line the following 4 (four) courses:

CX2) South 37°07’53” East, along said westerly Right-of-Way line, 58 feet, more or less, to the most easterly corner of last said parcel; thence

CX3) South 46°22’02” West, along the easterly line of said parcel, 87 feet, more or less, to an angle point in the easterly line of said Parcel 3; thence

CX4) North 43°52’03” West, along last said easterly line, 24 feet, more or less, to an angle point in said easterly line; thence

CX5) North 26°20’57” East, along said easterly line, 99 feet, more or less, to the POINT OF BEGINNING.

Sub Area D:

A parcel of land within Sections 25 and 36 of Township 21 South, Range 27 East, and Section 31 of Township 21 South, Range 28 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at a point on the North Right-of-Way line of Mill Avenue, said point lying on the Northerly prolongation of the West line of Parcel 1 of Parcel Map Number 2292, recorded in Book 23, Page 93 of Parcel Maps, Tulare County Records, also being a point on the boundary of the Porterville Redevelopment Agency Project Area “1”, thence departing said boundary

D1) South 87°06’10” East, along said North Right-of-Way line of Mill Avenue, 121 feet, more or less, to the Southeast corner of Lot 5 of Block A of the J.P. Murray’s Addition, recorded in Book 3, Page 10 of Maps, Tulare County Records, being a point on the West Right-of-Way line of Fig Street; thence
D2) South 88°17'26" East, 61 feet, more or less, to the Southwest corner of Lot 1 of Block B of said J.P. Murray's Addition, being a point on the East Right-of-Way line of Fig Street; thence

D3) South 89°33'13" East, along said North Right-of-Way line, 519 feet, more or less, to the Southwest corner of Lot 14 of Block A of the Millwood Addition, recorded in Book 7, Page 15 of Maps, Tulare County Records, being the intersection of said line with the East Right-of-Way line of Murry Street; thence

D4) South 89°12'09" East, along said North Right-of-Way line, 371 feet, more or less, to the Southeast corner of Lot 8 of Block A of said Millwood Addition, being the intersection of said North Right-of-Way line with the West Right-of-Way line of Plano Street; thence

D5) South 89°12'54" East, 80 feet, more or less, to a point on the South line of Lot 14 of Block B of said Millwood Addition, being the intersection of said North Right-of-Way line with the East Right-of-Way line of Plano Street; thence

D6) South 01°16'30" East, along said East Right-of-Way line, 313 feet, more or less, to the a point on the West line of Parcel 2 of Parcel Map Number 1232, recorded in Book 13, Page 33 of Parcel Maps, Tulare County Records; thence

D7) South 02°00'49" East, 100 feet, more or less, to a point on the West line of Lot 1 of Oak Estates, recorded in Book 25, Page 66 of Maps, Tulare County Records; thence

D8) South 01°17'19" East, along the East Right-of-Way line of Plano Street, 107 feet, more or less, to an angle point in said line; thence

D9) South 04°30'01" West, along said East Right-of-Way line, 297 feet, more or less, to an angle point in said line; thence

D10) South 01°18'04" East, along said East Right-of-Way line, 255 feet, more or less, to an angle point in said line; thence

D11) South 04°44'23" East, along said East Right-of-Way line, 276 feet, more or less, to the Easterly prolongation of the South Right-of-Way line of Olive Avenue; thence

D12) South 89°57'44" West, along said South Right-of-Way line, 610 feet, more or less, to the Northwest corner of Parcel 5 of Parcel Map Number 3178, recorded in Book 32, Page 79 of Parcel Maps, Tulare County Records; thence

D13) South 00°04'13" East, along the West line of said Parcel 5 and the Southerly prolongation thereof, 852 feet, more or less, to the Southwest corner of Parcel 1 of Parcel Map Number 3397, recorded in Book 34, Page 99 of Parcel Maps, Tulare County Records; thence
D14) North 89°41'55" East, along the South line of said Parcel 1 and the Easterly prolongation thereof, 538 feet, more or less, to the Southwest corner of Parcel 8 of said Parcel Map Number 3397; thence

D15) South 74°44'19" East, along the South line of said Parcel 8, a distance of 126 feet, more or less, to the Southeast corner of said Parcel 8, being a point on the West Right-of-Way line of Plano Street; thence

D16) North 12°39'53" West, along said West Right-of-Way line, 337 feet, more or less, to the Westerly prolongation of the North Right-of-Way line of Park Drive; thence

D17) North 82°03'53" East, along said North Right-of-Way line, 262 feet, more or less, to the Northwesterly prolongation of the Northerly Right-of-Way line of Williams Drive; thence

D18) South 86°33'18" East, 52 feet, more or less, to the intersection of the Southerly Right-of-Way line of Park Drive with the Northerly Right-of-Way line of Williams Drive; thence

D19) South 52°53'32" East, along said Northerly Right-of-Way line, 153 feet, more or less, to an angle point in said line; thence

D20) South 38°34'50" East, along said Northerly Right-of-Way line, 417 feet, more or less, to the Northwest corner of Parcel 1 of Parcel Map Number 2063, recorded in Book 21, Page 64 of Parcel Maps, Tulare County Records; thence

D21) South 40°14'35" East, along said Northerly Right-of-Way line, 136 feet, more or less, to an angle point in said line; thence

D22) South 46°05'13" East, along said Northerly Right-of-Way line, 100 feet, more or less, to an angle point in said line; thence

D23) North 02°01'04" West, along said Northerly Right-of-Way line, 6 feet, more or less, to an angle point in said line; thence

D24) South 62°23'07" East, along said Northerly Right-of-Way line, 103 feet, more or less, to an angle point in said line; thence

D25) South 89°51'20" East, along said Northerly Right-of-Way line, 58 feet, more or less, to an angle point in said line; thence

D26) North 52°42'41" East, along said Northerly Right-of-Way line, 56 feet, more or less, to an angle point in said line; thence

D27) North 16°43'40" East, along said Northerly Right-of-Way line, 78 feet, more or less, to an angle point in said line; thence
D28) North 08°05'36" East, along said Northerly Right-of-Way line, 81 feet, more or less, to the Northeast corner of Parcel 2 of said Parcel Map Number 2063; thence

D29) South 89°04'50" East, along said Northerly Right-of-Way line, 5 feet, more or less, to an angle point in said line; thence

D30) North 08°05'36" East, along said Northerly Right-of-Way line, 21 feet, more or less, to an angle point in said line; thence

D31) North 02°46'40" East, along said North Right-of-Way line, 106 feet, more or less, to the Westerly prolongation of the North line of Lot 11 of Corona Heights, recorded in Book 19, Page 69 of Maps, Tulare County Records; thence

D32) North 89°04'30" East, along said Westerly prolongation and continuing along said North line and the Easterly prolongation thereof, 341 feet, more or less, to the Northeast corner of Lot 10 of said Corona Heights, being a point on the West Right-of-Way line of Corona Drive; thence

D33) North 29°19'48" West, along said West Right-of-Way line, 92 feet, more or less, to the Westerly prolongation of the North Right-of-Way line of Isham Avenue; thence

D34) South 89°20'07" East, along said North Right-of-Way line, 1145 feet, more or less, to the West Right-of-Way line of Leggett Street; thence

D35) North 00°31'49" West, along said West Right-of-Way line, 156 feet, more or less, to the Westerly prolongation of the North Right-of-Way line of Isham Avenue; thence

D36) North 89°27'27" East, along said prolongation, 25 feet, more or less, to an angle point in the City Limit line of the City of Porterville; thence along said City Limit line the following 26 (twenty-six) courses:

D37) Continuing North 89°27'27" East, along said prolongation and said North Right-of-Way line, 420 feet, more or less, to an angle point in said City Limit line; thence

D38) South 00°24'03" East, 210 feet, more or less, to the South line of Lot 13 of Isham Tract, recorded in Book 18, Page 64 of Maps, Tulare County Records; thence

D39) South 89°28'11" West, along said South line, 82 feet, more or less, to an angle point in said City Limit line; thence

D40) South 00°27'56" East, 140 feet, more or less, to the South line of Lot 11 of said Isham Tract; thence
D41) South 89°28′11″ West, along said South line and the Westerly prolongation thereof, 362 feet, more or less, to the West Right-of-Way line of Leggett Street; thence

D42) North 00°31′49″ West, along said West Right-of-Way line, 170 feet, more or less, to the centerline of Isham Avenue; thence

D43) North 89°17′10″ West, along said South Right-of-Way line, 518 feet, more or less, to the centerline of Sierra Vista Street; thence

D44) South 00°27′56″ East, along said centerline, 201 feet, more or less, to the Westerly prolongation of the North line of Lot 1 of Colinmoor Village, recorded in Book 29, Page 4 of Maps, Tulare County Records; thence

D45) South 89°18′28″ East, along said prolongation and continuing along the North line of said Colinmoor Village, 272 feet, more or less, to the Northeast corner of Lot 3 of said Colinmoor Village; thence

D46) South 00°30′08″ East, along the East line of said Lot 3 and the Southerly prolongation thereof, 190 feet, more or less, to the Northwest corner of Lot 10 of said Colinmoor Village; thence

D47) South 89°17′46″ East, along the North line of said Lot 10 and the Easterly prolongation thereof, 247 feet, more or less, to the West Right-of-Way line of Leggett Street; thence

D48) South 00°31′49″ East, 219 feet, more or less, to the South Right-of-Way line of Orange Avenue; thence

D49) North 89°17′10″ West, along said South Right-of-Way line, 812 feet, more or less, to the Northeast corner of Lot 22 of Corona Tract, recorded in Book 17, Page 50 of Maps, Tulare County Records; thence

D50) South 00°20′03″ East, along the East line of said Lot 22, a distance of 274 feet, more or less, to the Southeast corner of said Lot 22; thence

D51) North 73°51′49″ West, along the South line of said Lot 22, a distance of 195 feet, more or less, to an angle point in said South line; thence

D52) South 78°20′11″ West, along said South line, 146 feet, more or less, to an angle point in said South line; thence

D53) North 60°56′49″ West, along said South line, 48 feet, more or less, to the Southwest corner of said Lot 22, being a point on the East Right-of-Way line of Park Avenue; thence
D54) South 89°58'39" West, 37 feet, more or less, to the centerline of Park Street; thence

D55) South 00°01'21" East, along said centerline, 729 feet, more or less, to the Westerly prolongation of the North Right-of-Way line of Date Avenue; thence

D56) South 89°38'51" East, along said North Right-of-Way line, 25 feet, more or less, to the East Right-of-Way line of Park Street; thence

D57) South 00°00'01" West, along said East Right-of-Way line, 250 feet, more or less, to the Easterly prolongation of the South line of Parcel 2 of Parcel Map 2624, recorded in Book 27, Page 25 of Parcel Maps, Tulare County Records; thence

D58) North 89°09'06" West, along said Easterly prolongation and continuing along said South line, 146 feet, more or less, to the Southwest corner of said Parcel 2; thence

D59) North 00°01'21" East, along the West line of said Parcel 2 and the Northerly prolongation thereof, 224 feet, more or less, to the centerline of Date Avenue; thence

D60) North 89°38'51" West, along said centerline, 898 feet, more or less, to an angle point in said City Limit line; thence

D61) South 46°14'16" East, 36 feet, more or less, to an angle point in said City Limit line; thence

D62) North 89°38'51" West, 167 feet, more or less, to the Southerly prolongation of the East Right-of-Way line of Plano Street, being a point on said boundary of the Porterville Redevelopment Agency Project Area "1"; thence departing said City Limit line, and along said boundary the following 32 (thirty-two) courses:

D63) North 01°02'03" East, along said East Right-of-Way line, 442 feet, more or less, to the Easterly prolongation of the North line of Lot 34 of Block 5 of Cornell Addition, recorded in Book 8, Page 40 of Maps, Tulare County Records, being a point on the Easterly prolongation of the South Right-of-Way line of Locust Avenue; thence

D64) North 89°01'24" West, along said prolongation and the North lines of said Lot 34 and Lot 1 of Block 5 of said Cornell Addition, 468 feet, more or less, to the intersection of said South Right-of-Way line with the North Right-of-Way line of Orange Avenue, being a point located 90 feet, more or less, West of the Northwest corner of said Lot 1, as measured along the Westerly prolongation of said North line of Lot 1; thence
D65) North 44°15'58" West, along said North Right-of-Way line of Orange Avenue, 114 feet, more or less, to the North Right-of-Way line of Locust Avenue; thence

D66) North 49°14'56" West, along said North Right-of-Way line of Orange Avenue, 589 feet, more or less, to the beginning of a curve, concave Southwesterly and having a radius of 450 feet; thence

D67) Northerly, along said North Right-of-Way line, 211 feet, more or less, along the arc of said curve, with a chord of 209 feet subtending an angle of 26°52'36", to the West line of Parcel 1 of Parcel Map Number 2391, recorded in Book 24, Page 92 of Parcel Maps, Tulare County Records; thence

D68) North 45°56'19" West, along said West line of Parcel 1, a distance of 202 feet, more or less, to the Easterly prolongation of the North line of Lot 21 of Block 34 of the Original Map of Porterville, recorded in Book 1, Page 107 of Maps, Tulare County Records; thence

D69) North 89°03'16" West, along said Easterly prolongation and continuing along said North line of Lot 21, a distance of 249 feet, more or less to the Northwest corner of said Lot 21, being a point on the East Right-of-Way line of "A" Street; thence

D70) North 89°03'16" West, along the Easterly prolongation of the North line of Lot 12 of Block 39 of said Original Map of Porterville, 80 feet, more or less, to the Northeast corner of said Lot 12, being a point on the West Right-of-Way line of "A" Street; thence

D71) South 00°54'35" West, along said West Right-of-Way line, a distance of 25 feet, more or less, to the Northeast corner of Lot 13 of said Block 39; thence

D72) North 89°03'18" West, along the North line of said Lot 13, a distance of 151 feet, more or less, to the Northwest corner of said Lot 13; thence

D73) South 01°00'05" West, along the West line of said Lot 13, a distance of 25 feet, more or less, to the Southwest corner of said Lot 13, being a point on the Easterly prolongation of the North line of Lot 19 of said Block 39; thence

D74) North 89°03'12" West, along said Easterly prolongation and continuing along said North line of Lot 19, a distance of 70 feet, more or less, to a point on said North line distant 100 feet from the Northwest corner of said Lot 19; thence

D75) South 01°00'05" West, parallel with the West line of Lot 18 of said Block 39, a distance of 25 feet, more or less, to a point on the North line of said Lot 18, distant 100 feet from the Northwest corner of said Lot 18; thence
D76) North 89°03'10" West, along said North line of Lot 18, a distance of 101 feet, more or less, to the Northwest corner of said Lot 18, being a point on the East Right-of-Way line of "B" Street, also being a point on the Easterly prolongation of the North line of Lot 15 of Block 46 of said Original Map of Porterville; thence

D77) North 89°03'10" West, along said Easterly prolongation and continuing along said North line of Lot 15, a distance of 230 feet, more or less, to the Northwest corner of said Lot 15, being a point on the Easterly prolongation of the North line of Lot 18 of said Block 46; thence

D78) North 89°03'10" West, along said Easterly prolongation and continuing along said North line of Lot 18, a distance of 170 feet, more or less, to the Northwest corner of said Lot 18, being a point on the East Right-of-Way line of "C" Street; thence

D79) North 01°01'19" East, along said East Right-of-Way line, 1209 feet, more or less, to the South line of Parcel 1 of Parcel Map Number 2384, recorded in Book 24, Page 85 of Parcel Maps, Tulare County Records; thence

D80) South 89°01'21" East, along said South line of Parcel 1, a distance of 150 feet, more or less, to the Southeast corner of said Parcel 1; thence

D81) North 01°01'20" East, along the East line of said Parcel 1, a distance of 30 feet, more or less, to the Westerly prolongation of the South line of Parcel 1 of Parcel Map Number 22, recorded in Book 1, Page 22 of Parcel Maps, Tulare County Records; thence

D82) South 89°01'22" East, along said Westerly prolongation, 20 feet, more or less, to the Southwest corner of said Parcel 1; thence

D83) South 89°01'22" East, along the South line of said Parcel 1, a distance of 75 feet, more or less, to an angle point in said line; thence

D84) North 01°01'20" East, along said South line, a distance of 10 feet, more or less, to an angle point in said line; thence

D85) South 89°01'22" East, along said South line, 75 feet, more or less, to the Southeast corner of said Parcel 1, being a point on the West Right-of-Way line of "B" Street; thence

D86) North 00°29'26" East, along said West Right-of-Way line and the Northerly prolongation thereof, 142 feet, more or less, to the North Right-of-Way line of Olive Avenue; thence

D87) South 88°03'18" East, along said North Right-of-Way line, 118 feet, more or less, to the East Right-of-Way line of Third Street; thence
D88) North 01°00'52" East, along said East Right-of-Way line, 617 feet, more or less, to the South Right-of-Way line of Garden Avenue; thence

D89) South 87°17'38" East, along said South Right-of-Way line, 236 feet, more or less, to the West Right-of-Way line of Fourth Street; thence

D90) North 01°04'39" East, along said West Right-of-Way line, 298 feet, more or less, to the South Right-of-Way line of Oak Avenue; thence

D91) South 87°13'24" East, along said South Right-of-Way line, 304 feet, more or less, to Southerly prolongation of the West line of Lot 8 of Block “C” of said J.P. Murry’s Addition; thence

D92) North 01°59'41" West, along said Southerly prolongation and continuing along said West line of Lot 8, a distance of 188 feet, more or less, to the Northwest corner of said Lot 8; thence

D93) South 87°09'51" East, along the North line of said Lot 8, a distance of 60 feet, more or less, to the Northeast corner of said Lot 8, being a point on the Southerly prolongation of the West line of said Parcel 1 of Parcel Map Number 2292; thence

D94) North 01°48'49" West, along said Southerly prolongation and continuing along said West line of Parcel 1 and the Northerly prolongation thereof, 205 feet, more or less to the POINT OF BEGINNING.

Sub Area E:

A parcel of land within Section 36 of 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 Southeast corner of Lot 16 of Block 49 of the amended map of the City of Porterville, recorded in Book 3, Page 18 of Maps, Tulare County Records, being the intersection of the North Right-of-Way line of Date Avenue and the West Right-of-Way line of “C” Street, also being a point on the boundary of the Porterville Redevelopment Agency Project Area “1”, thence along said boundary the following 29 (twenty-nine) courses:

E1) North 01°01'19" East, along said West Right-of-Way line of “C” Street, 774 feet, more or less, to the Southeast corner of Lot 4 of Block 50 of said amended map of Porterville; thence

E2) North 89°52'36" East, 80 feet, more or less, to the Northwest corner of Lot 28 of Block 47 of said amended map of Porterville; thence
E3) South 89°03'05" East, along the North line of said Lot 28 and the Easterly prolongation thereof, and continuing along the north line of Lot 5 of said Block 47 and the Easterly prolongation thereof, 400 feet, more or less, to the Northwest corner of Lot 28 of Block 38 of said amended map of Porterville, being a point on the East Right-of-Way line of "B" Street; thence

E4) North 01°01'21" East, along said East Right-of-Way line, 50 feet, more or less, to the Northwest corner of Lot 30 of said Block 38; thence

E5) South 89°02'16" East, along the North line of said Lot 30 and the Easterly prolongation thereof, and continuing along the North line of Lot 3 of said Block 38, a distance of 321 feet, more or less, to the Northeast corner of said Lot 3, being a point on the West Right-of-Way line of "A" Street; thence

E6) South 89°02'16" East, along the Easterly prolongation of said North line of Lot 3, a distance of 80 feet, more or less, to the Northwest corner of Lot 30 of Block 35 of said amended map of Porterville, being a point on the East Right-of-Way line of "A" Street; thence

E7) South 89°02'49" East, along the North line of said Lot 30, a distance of 74 feet, more or less, to the Northwest corner of Lot 3 of Block 1 of Cornell Addition, recorded in Book 8, Page 40 of Maps, Tulare County Records; thence

E8) South 89°02'49" East, along the North line of last said Lot 3 and the Easterly prolongation thereof, and continuing along the North line of Lot 30 of said Block 1 and the Easterly prolongation thereof, 323 feet, more or less, to the Northwest corner of Lot 2 of Block 2 of said Cornell Addition, being a point on the East Right-of-Way line of Wallace Street; thence

E9) South 00°47'57" West, along said East Right-of-Way line, 50 feet, more or less, to the Southwest corner of Lot 3 of said Block 2; thence

E10) South 89°02'33" East, along the South line of said Lot 3, a distance of 150 feet, more or less, to the Southeast corner of said Lot 3; thence

E11) South 00°52'24" West, along the East lines of Lots 4, 5, 6, 7, and 8 of said Block 2, a distance of 125 feet, more or less, to the Southeast corner of said Lot 8; thence

E12) South 89°01'52" East, along the Easterly prolongation of the South line of said Lot 8, a distance of 20 feet, more or less, to the Northwest corner of Lot 22 of said Block 2; thence

E13) South 89°01'52" East, along the North line of said Lot 22, a distance of 150 feet, more or less, to the Northeast corner of said Lot 22; thence
E14) South 00°56'50" West, along the East line of said Lot 22, a distance of 13 feet, more or less, to the South Right-of-Way line of Orange Avenue, and the West Right-of-Way line of Cornell Street; thence

E15) South 49°14'21" East, along said South Right-of-Way line, 104 feet, more or less, to the East Right-of-Way line of Cornell Street; thence

E16) South 00°56'50" West, along said East Right-of-Way line, 176 feet, more or less, to the South Right-of-Way line of Locust Avenue; thence

E17) South 89°01'24" East, along said South Right-of-Way line, 170 feet, more or less, to the Northwest corner of Lot 34 of Block 6 of said Cornell Addition; thence

E18) South 00°52'36" West, along the West line of Lots 34 through Lot 20 of said Block 6, a distance of 373 feet, more or less, to the Southwest corner of said Lot 20; thence

E19) North 89°26'08" West, 20 feet, more or less, to the Southeast corner of Lot 15 of said Block 6; thence

E20) North 89°22'18" West, along the South line of Lot 15 and the Westerly prolongation thereof, 231 feet, more or less, to the Southeast corner of Lot 20 of Block 7 of said Cornell Addition, being a point on the West Right-of-Way line of Cornell Street; thence

E21) North 89°22'25" West, along the South line of said Lot 20 and the Westerly prolongation thereof, 169 feet, more or less, to the Southeast corner of Lot 15 of said Block 7; thence

E22) North 89°22'25" West, along the South line of said Lot 15 and the Westerly prolongation thereof, 229 feet, more or less, to the Northeast corner of Lot 19 of Block 8 of said Cornell Addition, being a point on the West Right-of-Way line of Wallace Street; thence

E23) South 00°47'57" West, along the East line of said Lot 19, a distance of 25 feet, more or less, to the Southeast corner of said Lot 19; thence

E24) North 89°23'52" West, along the South line of said Lot 19 and the Westerly prolongation thereof, 235 feet, more or less, to the Southwest corner of Lot 16 of said Block 8, being the Southeast corner of Lot 17 of Block 36 of said amended map of Porterville; thence

E25) North 84°17'21" West, along the South line of said Lot 17 and the Westerly prolongation thereof, 165 feet, more or less, to the Southeast corner of Lot 16 of Block 37 of said amended map of Porterville, being a point on the West Right-of-Way line of "A" Street; thence

E26) North 89°25'17" West, along the South line of said Lot 16 and the Westerly prolongation thereof, 171 feet, more or less, to the Southeast corner of Lot 17 of said Block 37; thence
E27) North 89°25'17" West, along the South line of said Lot 17 and the Westerly prolongation thereof, 231 feet, more or less, to the Southeast corner of Lot 16 of Block 48 of said amended map of Porterville, being a point on the West Right-of-Way line of "B" Street; thence

E28) North 89°25'17" West, along the South line of said Lot 16 and the Westerly prolongation thereof, 170 feet, more or less, to the Southeast corner of Lot 17 of said Block 48; thence

E29) North 89°25'17" West, along the South line of said Lot 17 and the Westerly prolongation thereof, 230 feet, more or less, to the POINT OF BEGINNING.

Sub Area F:

A parcel of land within Section 36, 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 a point on the East Right-of-Way line of Plano Street, said point lying 700 feet South of the South Right-of-Way line of Date Avenue, being a point on the City Limit line of the City of Porterville, also being an angle point in the boundary of the Porterville Redevelopment Agency Project Area "1"; thence departing said boundary, along said City Limit line, the following 5 (five) courses:

F1) South 03°41'35" West, along said East Right-of-Way line, 665 feet, more or less, to an angle point in said line; thence

F2) North 86°41'29" West, along said East Right-of-Way line, 10 feet, more or less, to an angle point in said; thence

F3) South 03°47'21" West, along said East Right-of-Way line, 196 feet, more or less, to an angle point in said line; thence

F4) South 01°32'20" West, along said East Right-of-Way line, 133 feet, more or less, to the Westerly prolongation of the North line of Lot 33 of the Amended Map of Sunrise Gardens, as recorded in Book 31, Page 66 of Maps, Tulare County Records; thence

F5) South 89°42'39" East, along said East Right-of-Way line, 2 feet, more or less, to the Northwest corner of said Lot 33; thence departing said City Limit line

F6) South 01°32'20" West, along the West line of said Lot 33 and said East Right-of-Way line, 82 feet, more or less, to the beginning of a curve, concave Northeasterly and having a radius of 20 feet; thence
F7) Southeasterly, along the boundary of said Lot 33, a distance of 32 feet, more or less, along the arc of said curve, with a chord of 29 feet subtending an angle of 91°14'59", to the North Right-of-Way line of Vandalia Avenue; thence

F8) South 89°42'39" East, along said North Right-of-Way line, 118 feet, more or less, to the Southeast corner of said Lot 33; thence

F9) North 00°05'45" West, along the East line of said Lot 33, a distance of 102 feet, more or less, to the Northeast corner of said Lot 33, being a point on said City Limit line; thence

F10) South 89°42'39" East, along the North line of said Sunrise Gardens, according to said Amended Map thereof, and along said City Limit line, 1068 feet, more or less, to the Northeast corner of Lot 18 of said Sunrise Gardens; thence departing said City Limit line

F11) South 00°14'47" East, along the East line of said Sunrise Gardens, according to said Amended Map thereof, and the Southerly prolongation of said East line, 915 feet, more or less, to the South line of said Section 36; thence

F12) South 89°24'47" West, along said South line, 3806 feet, more or less, to the Southerly prolongation of the East Right-of-Way line of Main Street, being a point on said boundary of the Porterville Redevelopment Agency Project Area "1", and the beginning of a non-tangent curve, concave Westerly and having a radius of 13,536 feet and a beginning radial which bears North 87°56'10" East; thence along said boundary the following 25 (twenty-five) courses:

F13) Northerly, along the Southerly prolongation of the East Right-of-Way line of Main Street and continuing along said East Right-of-Way line, 828 feet, more or less, along the arc of said non-tangent curve, with a chord of 828 feet subtending an angle of 03°30'12"; thence

F14) North 07°14'38" West, along said East Right-of-Way line, 166 feet, more or less, to the beginning of a curve, concave Easterly and having a radius of 532 feet; thence

F15) Northerly, along said East Right-of-Way line, 62 feet, more or less, along said curve, with a chord of 62 feet subtending an angle of 06°39'10", to the intersection of said East Right-of-Way line with the old City Limit line; thence

F16) North 89°03'00" East, along said old City Limit line, 148 feet, more or less, to an angle point in said line; thence

F17) North 00°54'35" East, 89 feet, more or less, to the centerline of Poplar Ditch; thence

F18) North 53°59'35" East, along the centerline of Poplar Ditch, 432 feet, more or less, to the old City Limit line; thence
F19) North 89°40'12" West, along said old City Limit line, 360 feet, more or less, to an angle point in said old City Limit line, being a point on the North line of the Southwest quarter of the Southwest quarter of said Section 36, also being a point on the East Right-of-Way line of Main Street; thence

F20) North 02°34'43" East, along said East Right-of-Way line, 96 feet, more or less, to an angle point in said line; thence

F21) North 87°48'37" East, along said East Right-of-Way line, 8 feet, more or less, to an angle point in said line; thence

F22) North 01°00'17" East, along said East Right-of-Way line, 990 feet, more or less, to an angle point in said old City Limit line; thence

F23) South 89°25'18" East, along said old City Limit line, 111 feet, more or less, to an angle point in said old City Limit line; thence

F24) North 01°05'32" East, along said old City Limit line, 235 feet, more or less, to an angle point in said old City Limit line, being a point on the South Right-of-Way line of Date Avenue; thence

F25) South 89°25'17" East, along said South Right-of-Way line and said old City Limit line, 132 feet, more or less, to an angle point in said old City Limit line; thence

F26) South 00°57'42" West, along said old City Limit line, 660 feet, more or less, to an angle point in said line; thence

F27) South 89°32'53" East, along said old City Limit line, 531 feet, more or less, to an angle point in said line; thence

F28) North 00°36'11" East, along said old City Limit line, 236 feet, more or less, to an angle point in said line; thence

F29) South 75°47'58" East, along said old City Limit line, 327 feet, more or less, to an angle point in said line; thence

F30) South 00°28'56" West, along said old City Limit line, 232 feet, more or less, to an angle point in said line, said point being the Southwest corner of Lot "E" of Casas Del Rio Subdivision, recorded in Book 31, Page 76 of Maps, Tulare County Records; thence

F31) South 89°47'31" East, along said old City Limit line and the South line of said Lot "E", 350 feet, more or less, to an angle point in said lines; thence
F32) South 79°00'00" East, along said old City Limit line and the South line of said Lot "E", 152 feet, more or less, to an angle point in said lines; thence

F33) South 85°17'23" East, along said old City Limit line and the South line of said Lot "E", 426 feet, more or less, to the Southeast corner of said Lot "E", being an angle point in said old City Limit line; thence

F34) South 00°28'56" West, along the Southerly prolongation of the East line of said Casas Del Rio Subdivision, 25 feet, more or less, to an angle point in said boundary of the Porterville Redevelopment Agency Project Area "1"; thence

F35) South 89°25'20" East, 460 feet, more or less, to the West Right-of-Way line of Plano Street; thence

F36) North 03°51'51" East, along said West Right-of-Way line, 75 feet, more or less, to an angle point in said West Right-of-Way line; thence

F37) South 86°37'55" East, along a line perpendicular to the East Right-of-Way line of Plano Street, 99 feet, more or less, to the POINT OF BEGINNING.

Sub Area G:

A parcel of land within Section 35 of 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 intersection of the North Right-of-Way line of State Highway 190 with the East Right-of-Way line of Poplar Ditch, being a point on the old City Limit line of the City of Porterville, also being an angle point in the boundary of the Porterville Redevelopment Agency Project Area "1", thence departing said boundary of Project Area "1"

G1) North 00°00'15" East, along said East Right-of-Way line of Poplar Ditch and said old City Limit line, 574 feet, more or less, to the Southeast corner of Parcel 2 of Parcel Map Number 1014, recorded in Book 11, Page 15 of Parcel Maps, Tulare County Records, being a point on the North line of Lot 36 of Pleasant Grove Tract, recorded in Book 9, Page 1 of Maps, Tulare County Records, and the beginning of a curve, concave Southeasterly and having a radius of 168 feet; thence

G2) Northeasterly, along said East Right-of-Way line of Poplar Ditch, 140 feet, more or less, along said curve, with a chord of 136 feet subtending an angle of 47°48'04" East, to an angle point in said boundary of Project Area "1"; thence along the boundary of said Project Area "1" the following 9 (nine)courses:

G3) Northeasterly, along said East Right-of-Way line of Poplar Ditch, 124 feet, more or less, continuing along said curve, with a chord of 121 feet subtending an angle of 42°17'11"., to the Westerly prolongation of the South line of Parcel 1 of Parcel
Map Number 779, recorded in Book 8, Page 79 of Parcel Maps, Tulare County Records; thence

G4) South 89°36'41" East, along said Westerly prolongation and continuing along said South line of Parcel 1 and the Easterly prolongation thereof, 1142 feet, more or less, to the Northwesterly line of Poplar Ditch; thence

G5) North 66°53'49" East, along said Northwesterly line, 125 feet, more or less, to the West Right-of-Way line of the Union Pacific Railroad, and the beginning of a non-tangent curve, concave Westerly and having a radius of 10,471 feet and with a beginning radial which bears North 83°05'33" East; thence

G6) Southerly, along said West Right-of-Way line, 859 feet, more or less, along said non-tangent curve, with a chord of 858 feet subtending an angle of 04°41'52", to the North Right-of-Way line of State Highway 190; thence

G7) North 89°49'03" West, along said North Right-of-Way line, 320 feet, more or less, to the East line of an abandoned road, per document recorded in Volume 2928, Page 616, Official Records of Tulare County; thence

G8) North 00°35'11" East, along said East line, 48 feet, more or less, to said North Right-of-Way line; thence

G9) North 89°49'03" West, along said North Right-of-Way line, 503 feet, more or less, to the East Right-of-Way line of "E" Street; thence

G10) North 88°42'32" West, along said North Right-of-Way line, 347 feet, more or less, to the beginning of a curve, concave Northerly and having a radius of 6401 feet; thence

G11) Westerly, along said North Right-of-Way line, 325 feet, more or less, along the arc of said curve, with a chord of 325 feet subtending an angle of 02°54'34", to the POINT OF BEGINNING.

Sub Area A containing 900.6 acres,
Sub Area B containing 41.1 acres,
Sub Area C containing 196.9 acres,
less Exclusion Area CX, containing 0.1 acres,
Sub Area D containing 177.0 acres,
Sub Area E containing 32.3 acres,
Sub Area F containing 146.4 acres,
Sub Area G containing 25.7 acres,
Combined Area: 1519.9 acres.

END OF DESCRIPTION
APPENDIX D –

PORTERVILLE REDEVELOPMENT PROJECT NO. 1, PROJECT AND PROGRAMS LIST
APPENDIX D
LIST OF PROPOSED PROJECTS AND PROGRAMS
TO BE COMPLETED WITHIN THE PROJECT AREA

Infrastructure Improvements

- Street improvements, including construction, widening, reconstruction and resurfacing (all categories of street);
- Storm drain facilities and systems;
- Parking facilities;
- Extension of utilities and/or utilities undergrounding;
- Water systems;
- Sanitary systems;
- Traffic signal controls, signals and transportation management strategies;
- Any projects included within the City's adopted General Plan Circulation Element or Water, Sewer, and Stormwater Master Plans which would benefit the Project Area and which have not yet been completed;
- Any proposed infrastructure projects and programs included within the Agency's FY 2010-2014 Five Year Implementation Plan which have not yet been completed; and
- Other miscellaneous infrastructure projects.

Community Facilities Improvements

- Public facilities improvements (fire, police, library, community center, recreation and parks, County and other permissible government facilities);
- Street lighting standards, landscaping, street trees and furniture and other various pedestrian improvements and amenities;
- Various curb, gutter, and sidewalk improvements (including all appurtenances);
- Any proposed community facilities projects and programs included within the Agency's FY 2010-2014 Five Year Implementation Plan which have not yet been completed; and
- Other miscellaneous programs and improvements.
Housing Programs

- The Agency will use no less than twenty percent (20%) of gross tax increment received to increase, preserve and improve the community's supply of low- and moderate-income housing; and

- Any proposed housing-related projects and programs included within the Agency's FY 2010-2014 Five Year Implementation Plan which have not yet been completed.

Community Development Programs

- Commercial and industrial rehabilitation and expansion loan and/or grant fund, grants or other hybrid programs;

- Land write-down "pool" and infrastructure construction assistance for residential, commercial and industrial development;

- Relocation assistance (residential, commercial and industrial);

- Graffiti abatement;

- Historic preservation;

- Marketing/promotions;

- Seismic retrofitting;

- Soil remediation;

- Code enforcement activities;

- Consultant services, economic development strategies, contract engineering, planning, design and fiscal advisory services, and Agency administration costs;

- Any proposed community development projects and programs included within the Agency's FY 2010-2014 Five Year Implementation Plan which have not yet been completed; and

- Other miscellaneous community development and improvement programs.
ATTACHMENT NO. 3

Draft Program Environmental Impact Report for the Amendment to the Porterville Redevelopment Project Area No. 1

This attachment is available for public inspection at the Office of the City Clerk, 291 N. Main Street.
SUBJECT: CONSIDERATION OF TRANSACTION AND USE TAX OVERSIGHT COMMITTEE APPOINTMENT

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: At its meeting of February 16, 2010, the City Council directed staff to provide public notice of the vacancy on the Transaction and Use Tax Oversight Committee ("TUTOC") created by the resignation of member Josef Guerrero. Staff published a notice in the Porterville Recorder advising of the vacancy and solicited applications from interested individuals for a period of 30 days. As no applications have been received to date by the City Clerk, staff is seeking direction from the City Council.

For Council's information, staff has further published notification in the Porterville Recorder advising of the May, 2010 expiration of five four-year term seats on TUTOC and has also solicited applications for same. Staff will present an item at the next regular meeting for Council's consideration of appointment/re-appointment for these five seats.

RECOMMENDATION: That the City Council:

1. Direct staff to continue consideration of the appointment of an individual to fill the unexpired term of Mr. Josef Guerrero to the next regular meeting;

   OR

2. Appoint an individual to serve the unexpired term of Mr. Josef Guerrero.
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – DISCUSSION OF FIREWORKS ORDINANCE

SOURCE: CITY MANAGER’S OFFICE

COMMENT: At the request of Council Member Hamilton, staff is herein presenting a copy of Ordinance 1761 which was approved for second reading and adoption at the March 2, 2010 City Council Meeting. Said ordinance amended Article II – Fireworks of the Porterville Municipal Code, and is being presented for discussion purposes.

RECOMMENDATION: None

ATTACHMENT: Ordinance 1761
ORDINANCE NO. 1761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE
PORTERVILLE MUNICIPAL CODE

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

Section 1.  Purpose: The purpose of this ordinance is to address issues that have
arisen since the writing of the ordinance. It is also the intent to address grammatical
issues that have been discovered.

Section 2.  Chapter 12, Article II, Section 2.1: Definitions of the Porterville
Municipal Code is amended to read as follows: Paragraph 1 Line 1
For the purposes of this article, definitions shall have the respective meaning
ascribed to them in section 12500 et seq., of the Health and Safety Code of the
State of California, and, unless otherwise apparent from the context, certain words
and phrases used in this article are defined as follows:

Paragraph 2 line 1: CITY: The City of Porterville

Paragraph 3 line 1: DANGEROUS FIREWORKS: Any fireworks specified as such in
the state fireworks law, section 12500 et seq., of the Health and Safety Code of the
State and such other fireworks as may be determined to be dangerous by the State
Fire Marshal.

Paragraph 5 line 1: Fire Chief shall mean the Fire Chief or his/her duly authorized
designee.

Paragraph 7 line 2: SAFE AND SANE FIREWORKS: Shall mean and include any
fireworks not designated as dangerous fireworks, except that in any case, only end
fuses may be used. The California State Fire Marshal's seal of registration shall be
applied to all classified fireworks and pyrotechnic devices by a licensed
manufacturer, importer, exporter or wholesaler and shall indicate the classification
assigned by the State Fire Marshal.
Section 3. Chapter 12, Article II, Section 12-2.3 PUBLIC DISPLAYS OF FIREWORKS of the Porterville Municipal Code is amended to read as follows:
Paragraph 11 line 1: The Fire Chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for use of fireworks by artisans in pursuit of their trade.

Paragraph 11 line 2: Every such use or display shall be handled by a licensed operator approved by the Fire Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Chief after proper investigation, not to be hazardous to property or endanger any person.

Section 4. Chapter 12, Article II, Section 12-2.5 SALES OF SAFE AND SANE FIREWORKS; APPLICATIONS FOR PERMITS of the Porterville Municipal Code is amended to read as follows:

A. Any eligible organization desiring to sell safe and sane fireworks in the City of Porterville shall obtain and return an application during the period commencing on the first business day of April and ending on the last business day of April each year at the fire department.

D. The licensee shall use the net proceeds derived from its operations under such license only for such nonprofit, charitable, or religious service projects that shall be of direct benefit to the city of Porterville and for no other purpose.

Section 5. Chapter 12, Article II, Section 12-2.6 PERMIT ISSUANCE BASED ON DRAWING SELECTIONS of the Porterville Municipal Code is amended to read as follows:

3. The State Fire Marshal's license to sell Safe and Sane Fireworks;

Section 6. Chapter 12, Article II, Section 12-2.7 PERIOD OF DISCHARGE of the Porterville Municipal Code is amended to read as follows:

Safe and Sane Fireworks, as defined by section 12529 of the California Health and Safety Code, as amended ("fireworks"), may be discharged within the city limits of the city of Porterville ("City") during the period beginning at twelve o'clock (12:00) noon on June 28 and ending at eleven fifty-nine o'clock (11:59) P.M. on July 4 of any year.

Section 7. Chapter 12, Article II, Section 12-2.10 PROHIBITIONS of the Porterville Municipal Code is amended to read as follows:
D. It shall be unlawful to store any fireworks in any residence, home, garage, or automobile within the city of Porterville. It shall also be unlawful to store any fireworks in any building or other place within the city of Porterville without having first applied for and received a permit pursuant to PMC 12-2.2.

E. No fireworks shall be stored within one hundred (100) feet of any gasoline service station or any garage located within twenty-five (25) feet of any other structure. Any facility for the storage of fireworks shall maintain a minimum setback from the street curbing of ten (10) feet.

F. No person shall light, or cause or permit to be lighted, any fireworks, or any other article or material, within any structure approved for fireworks storage, or within fifty (50) feet thereof.

G. No smoking shall be allowed in any structure that is used for storing fireworks nor within fifty (50) feet of said structure. "No Smoking" signs shall be prominently displayed.

Section 8. Chapter 12, Article II, Section 12-2.11 REGULATIONS of the Porterville Municipal Code is amended to read as follows:

D. To allow smoking within fifty feet (50') of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than four inches (4") in height on a white background on all sides of any such stand.

L. All electrical/spark-producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands and shall not block the means of egress.

Section 9. Chapter 12, Article II, Section 12-2.12 FIREWORKS STANDS; REQUIREMENTS of the Porterville Municipal Code is amended to read as follows:

A. No fireworks stand shall be located within twenty five feet (25') of any other building or within one hundred feet (100') of a gasoline pump, or within 500' of another fireworks stand, when measured closest to closest point. Minimum setback from the street curbing, alley, or driveway shall be 10'. Stands shall not cover or impede any public rights-of-way.

C. Each stand must have at least two (2) exits located on separate walls. Fireworks stands with only three (3) sides and open from the back will not require exits. Fireworks stands shall have exits at least thirty (30) inches in width at both ends of the structure. An aisle with a minimum width of thirty (30) inches shall lead to each exit. Exits shall remain unobstructed. No supplies or other materials shall be stored in front of exit doors. All exit doors shall remain unlocked and unlatched whenever the stand is occupied.
D. Each stand shall keep easily accessible a minimum of one 2½-gallon water pressure-type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville Fire Department.

F. After hours, stands must be properly secured or a security guard must be provided to patrol the premises. Under no circumstances shall the night watchman sleep within the fireworks stand.

J. Primary power to the temporary lighting may be by means of on-site commercial power in a fixed facility or by means of an on site portable generator. Generators must be located at least twenty five feet (25’) from the fireworks stand. Location of portable generators must be approved by Fire Department.

N. All trash shall be removed from the premises and the fireworks stand each evening at the close of business.

O. No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within fifty (50) feet thereof.

P. No alcoholic beverages shall be allowed on the premises. No person who is under the influence of alcoholic beverages shall enter or be allowed into the sales booth.

Q. If a toilet is not immediately available during all open or sale hours of the fireworks stand, then an approved chemical one must be provided.

Section 10. Chapter 12, Article II, Section 12-2.13 FIREWORKS STANDS; LOCATIONS of the Porterville Municipal Code is amended to read as follows:

   A. In no instance shall any firework stand be located within a residential zoned district.
   B. No stand shall be located within 250' of any city/county boundaries
   C. No stand shall be located closer than 500' from another.

Section 11. Chapter 12, Article II, Section 12-2.18 SEIZURE OF FIREWORKS of the Porterville Municipal Code is amended to read as follows:
The Fire Chief shall have the authority to seize, take, remove, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

**Section 12.** Chapter 12, Article II, Section 12-2.20 VIOLATIONS; PENALITIES of the Porterville Municipal Code is amended to read as follows:

Fine for possession or discharge of dangerous fireworks within the city of Porterville shall be $500.00.

**Section 13.** This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED & ADOPTED this 2nd day of March, 2010.

[Signature]
Pete V. McCracken, Mayor

ATTEST:

John D. Lollis, City Clerk

[Signature]
Luisa Herrera, Deputy City Clerk
STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1761, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 2nd day of March, 2010, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective April 1st, 2010, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

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JOHN D. LOLLIS, City Clerk

[Signature]

By: Luisa Herrera, Deputy City Clerk