Call to Order
Roll Call

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

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   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 – Two Cases.

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

**PRESENTATIONS**
Employee of the Month – Clayton Dignam

**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 19, 2010 and February 2, 2010

2. Claim – Hill Family Trust
   Re: Consideration of a claim against the City in an amount of $19,800.65 for damages to a carport cover and surrounding asphalt at 147 N. “E” Street, which Claimant alleges were caused when a large tree fell upon the structure on January 18, 2010.

3. Award Contract – One-Half Ton CNG Pickup Trucks
   Re: Considering the award of a contract in the amount of $214,466.55 to Hansel Ford of Santa Rosa, CA, for the purchase of six (6) new one-half ton pickup trucks with CNG conversion.

4. Acceptance of Project – Morton Avenue Bus Turnouts
   Re: Considering accepting project as complete from Sierra Range Construction for the project consisting of the removal of existing concrete improvements and installation of new concrete improvements allowing a bus to pull completely out of the travel way along Morton Avenue between Prospect Street and Newcomb Street.

   Re: Considering approval of a resolution authorizing the purchase of 6,632 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project for an amount of $6,101.00.

6. Amendment to Traffic Resolution No. 10-2001 - Intersection Safety Improvement - Designation of Leggett Street and Grand Avenue as a 2-Way Stop Intersection Along Grand Avenue
   Re: Considering approval of a resolution amending Traffic Resolution No. 10-2001, designating Leggett Street and Grand Avenue as a 2-way stop intersection along Grand Avenue; and authorizing the installation of 2-way stop signs at said intersection.

7. Water Well Efficiency Rebate
   Re: Considering approval to enter into agreements with Southern California Edison for rebates for increasing water well operating efficiencies.

8. Water Share Purchases
   Re: Considering approval to submit a sealed bid for delinquent shares of Pioneer Water Company stock.

9. Community Development Block Grant Business Assistance Program – Charles and Jan Crissman
   Re: Considering approval of the use of Community Block Grant Business Assistance funds in the amount of $100,000 for Charles and Jan Crissman for the acquisition of the business located at 721 N. Sunnyside Street.
10. **CalHome Program Application**  
Re: Considering approval of a resolution approving the submittal of a Cal Home Program funding application to the California Department of Housing and Community Development.

11. **Sequoia Valley Enterprise Zone Targeted Employment Area Designation**  
Re: Considering approval of a resolution establishing the Targeted Employment Boundaries for the Sequoia Valley Enterprise Zone.

12. **Sierra Management Transit Center Lease**  
Re: Considering approval of the lease with Sierra Management for the office space occupied by Sierra Management and utilized for the operation of the Fixed Route and Demand Response transportation services.

13. **Airport Lease Renewal – FBO Lot 10**  
Re: Considering approval of a twenty year extension of the Lease Agreement between the City of Porterville and Arrow Falcon Exporters, Inc., for the Fixed Base Operator Lot 10 at the Porterville Municipal Airport.

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

15. **Approval for Community Civic Event – World of Victory Church – Community Outreach – June 19, 2010**  
Re: Considering approval of a civic event to take place on Saturday, June 19, 2010, from 2:00 p.m. to 8:00 p.m. at 163 W. Orange Street.

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

**SCHEDULED MATTERS**

16. **Consideration of the City Manager’s Proposed Budget for Fiscal year 2010-2011 and Setting Study Session and Public Hearing Dates**  

17. **Consideration of Establishing an Arts Commission as an Advisory Body to the City Council**  
Re: Considering authorizing the establishment of an Arts Commission.

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

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA**  
**June 1, 2010**

Roll Call: Agency Members
ORAL COMMUNICATIONS
WRITTEN COMMUNICATIONS

PUBLIC HEARINGS
PRA-01 Joint Public Hearing on the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1
Re: Considering adoption of the proposed amendment to the previously amended Redevelopment Plan for the Porterville Redevelopment Project No. 1.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of June 8, 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.
Call to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez, Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
   5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
   6- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL AND ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no action had taken place.

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

PROCLAMATIONS
James Richey - Eagle Scout

PRESENTATIONS
Employee of the Month – Gregg Kroutil (This presentation was continued.)
Retirement of K-9 “Zeus”
Launch of New City Website
ORAL COMMUNICATIONS

• Claudia Elliott, Editor of the Porterville Recorder, advised the Council that a photographer would be present at future City Council Meetings to photograph the presentations portion of the meeting, and requested the Council’s assistance in providing enough time to secure a shot.

• Dick Eckhoff, City of Hope Spectacular Chairman, informed everyone of the upcoming auditions for the event set for Saturday, January 23rd, and invited all to the event scheduled for February 27th.

• John Coffee, a Porterville resident, 1) inquired as to why the developer in Item 12 was already moving dirt if the Final Map had yet to be approved; 2) voiced opposition to a waiver of fees as proposed in Item 21; 3) voiced concern with unnecessary travel for lobbying purposes as proposed in Item 24; and 4) thanked the Council for Item 8.

• Nikki Edwards, a Porterville resident, updated the Council on volunteer efforts with the City’s animal sheltering program, and requested that the permanent shelter be fast tracked to avoid euthanizing more animals due to lack of space.

• Chris Sanders, 450 Colby Place, 1) came forward on behalf of the Owner in Item 30 and advised he was available for questions should the need arise; and 2) spoke on behalf of Gilstraps Cleaning, and requested the Council’s assistance in resolving an issue regarding fees. Mr. Sanders then provided the Council with written correspondence regarding same.

• Mary (last name inaudible), 1006 Lu Ann, spoke of the volunteer efforts with animal control, and urged the fast-tracking of the permanent shelter, noting the need for the shelter in order to obtain much needed grant funding.

CONSENT CALENDAR

Items 4, 15 and 24 were pulled for further discussion.


Documentation: M.O. 01-011910
Disposition: Approved.

2. CLAIM – LINDA EASTEP

Recommendation: That the City Council, after consideration and investigation, reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notice.

Documentation: M.O. 02-011910
Disposition: Approved.
3. AUTHORIZATION TO ADVERTISE FOR BIDS – MORTON AVENUE AND MATHEW STREET WATER TRUCK LINE PROJECT

Recommendation: That the City Council:
1. Approve the staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 03-011910
Disposition: Approved.

5. AWARD OF CONTRACT – PORTERVILLE FAIRGROUNDS OFF-SITE IMPROVEMENT PROJECT

Documentation: That the City Council:
1. Award the Porterville Fairgrounds Off-Site Improvement Project base bid and add alternate to Mitch Brown Construction, Inc. in the amount of $199,384.10;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and $10,000 for staff time and construction engineering.

Documentation: M.O. 04-011910
Disposition: Approved.

6. AWARD OF CONTRACT – WWTF BAR SCREEN REPLACEMENT AND AUGER CONVEYOR PROJECT

Recommendation: That the City Council:
1. Award the WWTF Bar Screen Replacement and Auger Conveyor Belt Project to American, Inc. in the amount of $357,700;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and an additional 1.5% to cover administration costs.

Documentation: M.O. 05-011910
Disposition: Approved.

7. STATUS OF 2012-2014 CONGESTION MITIGATION & AIR QUALITY (CMAQ) GRANT APPLICATION

Recommendation: None. Informational Report Only.
Disposition: Informational report only.
8. MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT FOR STATE-FUNDED PROJECTS AND PROGRAM SUPPLEMENT TO THE MASTER AGREEMENT – SAFE ROUTES TO SCHOOL PROJECT

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

Documentation: Resolutions 01-2010 and 02-2010
Disposition: Approved.

9. INTENT TO VACATE A PORTION OF H STREET AND KESSING STREET BETWEEN OAK AVENUE AND THE PORTERVILLE SLOUGH (SIERRA VIEW LOCAL HEALTH CARE DISTRICT)

Recommendation: That the City Council:
1. Pass a resolution of intent to vacate a portion of H Street and Kessing Street between Oak Avenue and the Porter Slough; and
2. Set the Council Meeting of February 16, 2010 as the time and place for a public hearing.

Documentation: Resolution 03-2010
Disposition: Approved.


Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Stanley M. Noble, Successor Trustee of the Edward B. and Elizabeth F. Cornell Revocable Trust Dated April 6, 1989, in the amount of $6,812.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 04-2010
Disposition: Approved.
11. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 269-130-004 – HELEN CHAPMAN – JAYE/GIBBONS STREET IMPROVEMENT PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Helen Chapman in the amount of $25,635.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 05-2010
Disposition: Approved.

12. ACCEPTANCE OF FINAL SUBDIVISION MAP – MOOREA MANOR (GARY SMEE)

Recommendation: That the City Council:
1. Approve the final map of Moorea Manor Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 06-011910
Disposition: Approved.

13. SANITARY SEWER MANAGEMENT PLAN WORK PLAN

Recommendation: That the City Council approve a professional services contract with Quad Knopf to complete the remaining elements of the City’s SSMP for an amount not to exceed $4,200.

Documentation: M.O. 07-011910
Disposition: Approved.

14. STATUS REPORT – DEVELOPER IMPACT FEES


Documentation: M.O. 08-011910
Disposition: Approved.

16. PROPOSED AGREEMENT WITH CITY OF LINDSAY FOR PROVISION OF ANIMAL SHELTER SERVICES

Recommendation: That the City Council:
1. Approve the proposed agreement between the City of Porterville and the City of Lindsay, for the provision of animal sheltering services; and
2. Authorize the Mayor to sign the appropriate documents to implement the agreement.

Documentation: M.O. 09-011910
Disposition: Approved.

17. RETIREMENT OF POLICE SERVICE DOG “ZEUS”

Recommendation: That the City Council:
1. Approve the sale of “Zeus” to Josh Maniss for one dollar ($1.00); and
2. Authorize the Mayor to execute the agreement and document to sell “Zeus” to Josh Maniss.

Documentation: M.O. 10-011910
Disposition: Approved.

18. REQUEST TO RATIFY FAA AIRPORT CAPITAL IMPROVEMENT PROGRAM FOR PERIOD 2009/10 TO 2015/16

Recommendation: That the City Council approve (ratify) the Airport Capital Improvement Program as presented.

Documentation: M.O. 11-011910
Disposition: Approved.

19. APPROVE A MODIFICATION IN GRANT APPLICATIONS FOR FAA 2010 PROJECT

Recommendation: That the City Council authorize the submission by the City Manager of a modified FAA “A” grant in the amount of $100,281 in January 2010, and a subsequent “B” grant in May 2010 for the full-cost of the Runway Rehabilitation or the remainder of engineering cost, based upon FAA advice at the time.

Documentation: M.O. 12-011910
Disposition: Approved.

20. APPROVAL OF AGREEMENT FOR DESIGN SERVICES – REHABILITATION OF RUNWAY 12-30, PORTERVILLE MUNICIPAL AIRPORT

Recommendation: That the City Council approve the Authorization of Service (AOS) No. 2 between the City of Porterville and Tartaglia Engineering for design of the
Airport’s Runway 12-30 Rehabilitation Project; and further, that the Council authorize the Mayor to execute the Agreement.

Documentation: M.O. 13-011910
Disposition: Approved.

21. JUNE 8, 2010 CITY OF PORTERVILLE GENERAL MUNICIPAL ELECTION: CALL FOR ELECTION; REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:
1. Allow candidates’ statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; and that the County Election Department, County Civic Center, Visalia, California, be designated as the Central County Place for the June 9, 2010 General Municipal Election;
2. Adopt the draft resolution calling the election for June 8, 2010, requesting and consenting to the consolidation of the election; and setting specifications of the election order;
3. Adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City for the June 8, 2010 election; and
4. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

Documentation: Resolutions 06-2010 and 07-2010
Disposition: Approved.

22. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 1, 2010

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in the application, agreement and Exhibit A of the Community Civic Event Application Form.

Documentation: M.O. 14-011910
Disposition: Approved.

23. CONSIDER ‘WALL OF FAME’ HONOR DESIGNATIONS

Recommendation: That the City Council consider the nominees and designate new “Wall of Fame” nominees Jim Maples and Roy Rockholt.

Documentation: M.O. 15-011910
Disposition: Approved.
COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor Ward that the City Council approve Items 1 through 3; 5 through 14; and 16 through 23. The motion carried unanimously.

4. AWARD OF CONTRACT – MUNICIPAL POOL COMPLEX WATER SLIDE PROJECT

Recommendation: That the City Council:
1. Award the Municipal Pool Complex Water Slide Project to Webb & Son in the amount of $187,002.20;
2. Authorize an 8% contingency to cover unforeseen construction costs, and 1.6% for construction engineering.

City Manager Lollis presented the item. The staff report was waived by the Council.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council award the Municipal Pool Complex Water Slide Project to Webb & Son in the amount of $187,002.20; and authorize an 8% contingency to cover unforeseen construction costs, and 1.6% for construction engineering.

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

Disposition: Approved.

15. RATIFICATION OF CITY COUNCIL DIRECTION REGARDING LIBRARY PLANNING PROCESSES

Recommendation: That the City Council ratify the acceptance of the Library Facilities and Space Needs Assessment, and the authorization for continuance of library planning efforts in the areas of site evaluation and funding evaluation.

City Manager Lollis presented the item. The staff report was waived by Council.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the Council ratify the acceptance of the Library Facilities and Space Needs Assessment, and the authorization for continuance of library planning efforts in the areas of site evaluation and funding evaluation. The motion carried unanimously.

Disposition: Approved.
24. APPROVAL OF COUNCIL MEMBER’S TRAVEL TO WASHINGTON D.C.

Recommendation: That the City Council, consistent with past practice, confirm the proposed out-of-state travel for Council Member Felipe Martinez on February 22-26, 2010.

City Manager Lollis presented the item. The staff report was waived by Council.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the Council, consistent with past practice, confirm the proposed out-of-state travel for Council Member Felipe Martinez on February 22-26, 2010. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

25. PUBLIC TRANSIT PROPOSED FARE INCREASES AND ROUTE MODIFICATIONS

Recommendation: That the City Council approve:
1. A Porterville Transit (Fixed Route) fare increase from $1.00 to $1.25;
2. A COLT (Demand Response) fare increase for Seniors, and ADA/Medicare card holders from $1.50 to $2.00;
3. A modification to route intervals from every 30 minutes to every 40 minutes;
4. Modifications to Routes 6, 7 and 8; and
5. All fare increases and route service modifications to take effect February 6, 2010.

City Manager Lollis presented the item, and Administrative Analyst II Linda Clark presented the staff report, introducing Charles Clouse of TPG Consulting who made a presentation to the Council.

The public hearing opened at 7:53 p.m.

• Ellen Nichols, 456 N. Hawaii Street, voiced concern with expanding the headways to 40 minutes as was proposed.

The public hearing closed at 7:54 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the Council approve 1) a Porterville Transit (Fixed Route) fare increase from $1.00 to $1.25; 2) a COLT (Demand Response) fare increase for Seniors and ADA/Medicare card holders increase from $1.50 to $2.00; 3) a modification to route
intervals from every 30 minutes to every 40 minutes; 4) modifications to Routes 6, 7 and 8; and 5) all fare increases and route service modifications to take effect February 6, 2010.

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

Disposition: Approved.

26. CONDITIONAL USE PERMIT 3-2009 – PORTERVILLE SMOG AND TUNE

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 3-2009, with the condition of removing parking stalls number 15 and 16, as shown on Exhibit A along with the conditions of approval.

City Manager Lollis presented the item, and City Planner Ben Kimball presented the staff report.

The public hearing opened at 8:07 p.m.

- Manual Ramirez, came forward on behalf of the applicant, and voiced concern with the proposed condition of removing the parking stalls numbered 15 and 16.
- David Tyrell, 1254 S. Westwood, came forward on behalf of the owner of the apartment building adjacent to the proposed project, and voiced concern with the proposed layout of the project. Mr. Tyrell specifically voiced opposition to the bays facing Eastridge, noting the noise and traffic would disallow for the apartment residents’ quiet enjoyment of their homes.
- Edward Gunther, a Port Hueneme resident and owner of the apartment building on Eastridge, voiced his concern with the proposed project, particularly with the bays opening onto Eastridge and its proximity to residential.
- Manual Ramirez, elaborated on the number of bays proposed and of the type of work that would be conducted, noting that engines would not be run at high levels. He then went on the note the hours of operation, and parking and traffic issues, which he suggested would primarily be attributed to the new Vallarta Market.
- Dick Eckhoff, spoke of parking issues with the proposed location and voiced concern with the back of a business facing Plano.
- Renee Curtly, a Porterville resident, suggested that a large amount of traffic was also generated by the DMV Office located at the shopping center.

The public hearing closed at 8:26 p.m.

A discussion ensued as to sound attenuation and measures that could be taken in that regard, such as requiring a block wall and/or a berm.
• Manuel Ramirez, on behalf of applicant, estimated that the cost to construct a block wall would likely add $30,000 to $40,000 onto the project.
• David Tyrell, commented that the existing landscaping had not been properly maintained.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the Council approve the draft resolution approving Conditional Use Permit 3-2009, as amended to strike Condition No. 1; and direct staff to work with applicant to ensure landscaping is maintained and addresses noise and aesthetics issues. The motion carried unanimously.

Disposition: Approved, as amended.

The Council recessed at 8:50 p.m. for ten minutes.

SECOND READINGS

27. ORDINANCE 1759, PERTAINING TO CAR WASHES IN THE CENTRAL COMMERCIAL (C-2) ZONE

Recommendation: That the City Council give Second Reading to Ordinance 1759, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hamilton that the Council give Second Reading to Ordinance 1759, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE APPENDIX A – ZONING ORDINANCE SECTION 801.1(A) PERTAINING TO CAR WASHES IN THE CENTRAL COMMERCIAL (C-2) ZONE. The motion carried unanimously.

City Manager Lollis read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

28. STATUS REPORT ON THE CITY OF PORTERVILLE HOUSING ELEMENT UPDATE

Recommendation: That the City Council:
1. Direct staff to map out a program to rezone and annex enough land to accommodate at least 1100 units of high density residential for the
immediate planning period; and

2. Direct staff on whether to consider a second phase of rezones and annexations to accommodate the subsequent planning period.

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

Concerns were voiced with regard to the increasing requirements for low-income, high density housing. A discussion ensued during which it was proposed that the City not update the Housing Element. Staff advised of likely consequences if the Council chose to move in that direction.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that that the Council approve staff’s recommendation.

M.O. 20-011910

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

Disposition: Motion denied.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor McCracken that the Council direct staff to bring the item back at the next Council Meeting with a report on the financial consequences of having a non-compliant Housing Element.

M.O. 21-011910

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

Disposition: Continued, with staff direction.

29. STRATEGY FOR THE REVIEW OF THE NEW DEVELOPMENT CODE

Recommendation: That the City Council consider the options and provide direction to staff on how to proceed.

The City Manager presented the item, and City Planner Ben Kimball presented the staff report, which included the following options:

Option 1: Select a regular City Council meeting with few other scheduled items and present the new Development Code all at once.
Option 2: Conduct the review of the new code over several regularly scheduled City Council Meetings, where a portion of the code is reviewed at each one.

Option 3: Hold an informal study session where the details of the Development Code are presented and debated, then followed up by the public review of the code and adoption in the regular City Council Meeting.

Option 4: Conduct a series of informal study sessions, on non City Council Tuesdays, where the details of the Development Code are presented and discussed. The code would be broken up into sections and each section would be reviewed at a separate study session, then followed up by the public review of the code and adoption in a regular City Council meeting. It is expected that this would require approximately four study sessions.

Option 5: Select a regular City Council meeting, as in Option 1, but forgo the lengthy, detailed review of the details, but discuss conceptually the provisions of the draft code and how it relies on the code being an implementation measure of the adopted General Plan principles that have now been tested for nearly two years. In addition, the input that has been received by the review committees would allow the draft to go to public hearing and adoption. This would be followed up in six months with a review by the City Council of any issues or concerns that came up during this initial period of implementation and an opportunity to make adjustments as needed.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the Council approve Option 5.

M.O. 22-011910

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

Disposition: Option 5 approved.

30. CONSIDERATION OF SETTING A PUBLIC HEARING TO CONSIDER MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 4-2007 (BRICKHOUSE BAR & GRILL)

Recommendation: That the City Council direct staff on how to proceed.

Council Member Felipe Martinez and Mayor McCracken noted conflicts of interest, recused themselves and exited the Council Chambers.
City Manager Lollis presented the item, and Associate Planner Jose Diaz presented the staff report.

A discussion ensued with regard to an apparent conflict between the processes of the City and the ABC.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council direct staff to work with the Alcoholic Beverage Control Board to resolve apparent conflicts between the processes of the City of Porterville and the ABC.

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

Disposition: Direction given to staff.

**31. LIBRARY AND COMMUNITY ROOM SPACE CONSIDERATIONS**

Recommendation: That the City Council direct staff to incorporate the re-allocation of library and community room space within the Library Power and Bandwidth Improvement Project so that information on design and construction funding can be determined for the Council’s consideration during the upcoming annual budget process.

City Manager John Lollis presented the item, and City Librarian Vikki Cervantes presented the staff report, which included two options:

**Option No. 1:** Incorporates an Adult Literacy and Learning Center Area designed for multiple purposes, with small and large meeting space availability, and independent study or group study space (Visual layout provided).

**Option No. 2:** Incorporates a centralized Computer Commons and provides space for independent or group study (Visual layout provided).

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hamilton that the City Council direct staff to proceed with expanding on Option No. 1.

| AYES: | Hamilton, F. Martinez, Ward, McCracken |
| NOES: | P. Martinez |
| ABSTAIN: | None |
| ABSENT: | None |
Disposition: Direction given to staff.

32. PROVIDE DIRECTION FOR USE OF THE MUNICIPAL BALLPARK MITIGATION FUNDS

Recommendation: That the City Council provide direction to City staff on location and type of sport facilities that should be given priority consideration.

City Manager Lollis presented the item and Parks and Leisure Services Director Jim Perrine presented the staff report.

A discussion took place during which the Council discussed available options, and directed staff to engage in a dialog with the school districts.

Disposition: Direction given to staff.

33. CONSIDERATION OF SAMPLE SURVEY IN THE POTENTIAL FORMATION OF A MOSQUITO ABATEMENT DISTRICT IN SOUTHEASTERN TULARE COUNTY

Recommendation: That the City Council consider the draft sample Southeastern Tulare County survey for prospective comments.

City Manager Lollis presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Mayor McCracken that the Council approve the draft sample Southeastern M.O. 25-011910 Tulare County survey.

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

Disposition: Approved.

34. COUNCIL MEMBER REQUESTED AGENDA ITEM – APPROVAL TO SCHEDULE TRAVEL TO NEW YORK CITY TO ATTEND THE HARLEM CHILDREN’S ZONE PRACTITIONERS INSTITUTE

Recommendation: That the City Council consider the approval of travel of Vice Mayor Ward, Council Member Martinez and City Manager Lollis to New York City, and the forming of a community delegation to attend the HCZ Practitioners Institute.
City Manager Lollis presented the item and staff report.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the Council approve travel of Vice Mayor Ward, Council Member Pedro Martinez and City Manager Lollis to New York City; the formation of a community delegation to attend the HCZ Practitioners Institute; and to begin the application process and report back to the City Council.

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

Disposition: Approved.

The City Council adjourned at 10:34 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY MINUTES
January 19, 2010

Roll Call: Agency Member Cameron Hamilton, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice-Chairman Ward, Chairman McCracken

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
• Dick Eckhoff, voiced support for expediting the proposed work in Item PRA-02.

PUBLIC HEARINGS
PRA-01 REQUEST TO CONTINUE THE PUBLIC HEARING FOR THE 2010-2014 IMPLEMENTATION PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

Recommendation: That the Redevelopment Agency:
1. Open the public hearing for comments; and
2. Continue the public hearing to February 2, 2010.

Chairman McCracken advised of a conflict of interest, recused himself from the discussion and exited the Council Chambers.

City Manager John Lollis presented the item. The staff report was waived by the Agency.

The public hearing opened at 10:36 p.m. When nobody came forward, the public hearing was continued to February 2, 2010.
AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency continue the public hearing until February 2, 2010.

M.O. PRA01-011910

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

Disposition: Continued to February 2, 2010.

SCHEDULED MATTERS

PRA-02 AUTHORIZATION TO ADVERTISE FOR BIDS – STOUT BUILDING SPRAYED POLYURETHANE ROOFING PROJECT

Chairman McCracken noted a conflict of interest, recused himself from the discussion, and exited the Council Chambers.

Recommendation: That the Redevelopment Agency:
1. Approve staff’s recommended plans and project manual;
2. Approve a budget adjustment; and
3. Authorize staff to advertise for bids on the project.

City Manager Lollis presented the item, and Agency Director Brad Dunlap presented the staff report.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Felipe Martinez that the Agency approve staff’s recommended plans and project manual; approve a budget adjustment; and authorize staff to advertise for bids on the project.

M.O. PRA02-011910

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

Disposition: Approved.

The Redevelopment Agency Meeting adjourned at 10:40 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None
OTHER MATTERS

- Council Member Hamilton spoke of the recent officer involved shooting and urged everyone to keep both the deceased’s family and the officers and their families in their prayers.

- Council Member Pedro Martinez thanked staff on their proactive efforts to combat potential flooding during the current storm systems moving through Porterville.

- Council Member Felipe Martinez spoke of his recent trip to Fresno to attend the Water Coalition Meeting to discuss bond measures for the November election.

- Vice Mayor Ward 1) advised staff of a water drainage issue in the vicinity of Plano and Mulberry; 2) spoke of Mr. Edward’s recent commentary on preserving Porterville’s historic downtown and evinced an interest in looking into the concept in the future; and 3) spoke of his recent participation in an exploratory meeting to establish an Arts Commission, and advised of potential program exemplars from the cities of Oceanside and Santa Clarita. He noted that with the Council’s permission, he would like to pursue another meeting.

- Mayor McCracken spoke of his upcoming 50th High School Reunion; and 2) commented on his cousin’s success as a “minimalist” artist.

The Council recessed at 10:50 p.m. for ten minutes, after which it reconvened in Closed Session.

CLOSED SESSION

It was reported that no action had taken place during Closed Session.

ADJOURNMENT

The Council adjourned at 11:30 p.m. to the meeting of January 23, 2010 at 9:00 a.m. at the Municipal Library, Community Room, 2nd Floor.

_____________________________
Patrice Hildreth, Chief Deputy City Clerk
SEAL

______________________________
Pete V. McCracken, Mayor
Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez (arrived during Closed Session), Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

**ORAL COMMUNICATIONS**
None

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
   4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
   5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

7:00 P.M. RECONVENE OPEN SESSION

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

Pledge of Allegiance led by Mayor Pete V. McCracken
Invocation – a moment of silence was observed.

**PRESENTATIONS**
Employee of the Month (January) – Gregg Kroutil

**ORAL COMMUNICATIONS**
- Augie Gonzalez, 1405 W. White Chapel Avenue, Chair of the Iris Festival, spoke of the annual event to take place on April 24th, and extended an invitation to all in attendance.
- Ron Irish, 768 N. Prospect, requested permission to speak during consideration of Item No. 27 and 28.
- Jim Oakley, 29053 Avenue 176, requested permission to speak during consideration of Item No. 28.

**CONSENT CALENDAR**
Items 12, 18, and 20 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JANUARY 12, 2008, JULY 7, 2009, AND JANUARY 12, 2010


Documentation: M.O. 01-020210
Disposition: Approved

2. CLAIM – ELVIN WEAVER

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

Documentation: M.O. 02-020210
Disposition: Approved

3. AWARD OF CONTRACT – MORTON AVENUE BUS TURNOUTS

Recommendation: That the City Council:
1. Award the Morton Avenue Bus Turnout projects to Sierra Range Construction in the amount of $45,252.75;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 03-020210
Disposition: Approved

4. AWARD OF CONTRACT – MAINTENANCE GARAGE NATURAL GAS DETECTION PROJECT

Recommendation: That the City Council:
1. Reject the bid received from Dayco Construction, Inc.;
2. Authorize the Public Works Director to formally notify Dayco Construction, Inc. of Council’s decision to reject their bid;
3. Award the Maintenance Garage Natural Gas Detection Project to Webb & Son in the amount of $180,588.33; and
4. Authorize a 9% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-020210
Disposition: Approved

5. ACCEPTANCE OF IMPROVEMENTS – SUNRISE VILLA, PHASE TWO & THREE (GARY SMEE – GIBBONS 20, LLC)
Recommendation: That the City Council:
1. Accept the public improvements of Sunrise Villa, Phase Two and 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.

Documentation: M.O. 05-020210
Disposition: Approved


Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Richard J. Hardaway & Nadine Hardaway AKA Margaret Nadine Hardaway, Co-Trustees of the Richard and Nadine Hardaway Revocable Living Trust, in the amount of $9,977.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 09-2010
Disposition: Approved

7. NEGOTIATED PURCHASE – SEWER LIFT STATION #3 EQUIPMENT

Recommendation: That the City Council authorize the purchase of equipment from MuniQuip, Inc. of USEMCO-Fairbanks Morse for approximately $5,781.00.

Documentation: M.O. 06-020210
Disposition: Approved

8. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the interim financial status reports and grants summary report as presented.

Documentation: M.O. 07-020210
Disposition: Approved
9. QUARTERLY PORTFOLIO SUMMARY  
Recommendation: That the City Council accept the quarterly Portfolio Summary.  
Documentation: M.O. 08-020210  
Disposition: Approved

10. STREET PERFORMANCE MEASURE – 2ND QUARTER UPDATE  
Recommendation: Information Only  
Documentation: M.O. 09-020210  
Disposition: Approved

11. CODE ENFORCEMENT UPDATE  
Recommendation: Information Only  
Documentation: M.O. 10-020210  
Disposition: Approved

13. AMENDMENT NO. 1 TO SUB-LEASE AGREEMENT WITH GREATER PORTERVILLE SENIOR CITIZENS’ COUNCIL  
Recommendation: That the City Council approve Amendment No. 1 and authorize and direct the Mayor to sign the document.  
Documentation: M.O. 11-020210  
Disposition: Approved

14. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 2ND QUARTER UPDATE  
Recommendation: Information Only  
Documentation: M.O. 12-020210  
Disposition: Approved

15. REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY  
Documentation: M.O. 13-020210  
Disposition: Approved
16. CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:
1. Adopt the 2010 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, John Dennis, Rebecca Vigil, and Kelle Jo Lowe to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

Documentation: M.O. 14-020210
Disposition: Approved

17. RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS UNDER PROP 84

Recommendation: That the City Council adopt the respective resolutions approving the application for Statewide Park Program Grant Application for the Heritage Ball fields project.

Documentation: Resolution No. 10-2010; and Resolution No. 11-2010
Disposition: Approved

19. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – IRIS FESTIVAL, APRIL 24, 2010

Recommendation: That the City Council approve the Community Civic Event application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms.

Documentation: M.O. 15-020210
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1 through 11, 13 through 17, and 19. The motion carried unanimously.

12. AMENDMENT TO CONSULTANT SERVICE AGREEMENT OF TPG CONSULTING, INC.

Recommendation: That the City Council:
1. Authorize the Mayor to execute 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.

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

Vice Mayor Ward inquired about staff’s availability and capability to perform the work requested of the consultants. City Manager Lollis indicated that TPG had been the designers of both projects, and the expansion of the project would be a continuance of their design efforts.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Mayor McCracken that the City Council authorize the Mayor to execute 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 authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

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

Disposition: Approved

18. PORTERVILLE MUNICIPAL AIRPORT OPEN HOUSE

Recommendation: That the City Council offer its support for an Open House to be held at the Porterville Municipal Airport on Saturday, March 13, 2010.

City Manager Lollis introduced the item, and Airport Manager John Longley spoke about the purpose and details of the event.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council offer its support for an Open House to be held at the Porterville Municipal Airport on Saturday, March 13, 2010. The motion carried unanimously.

Disposition: Approved

20. ADOPTION OF 2010 PRIORITY PROJECTS AND OBJECTIVES

Recommendation: That the City Council adopt the 2010 Priority Projects and Objectives.

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

Council Member Pedro Martinez stated that due to scheduling issues he was unable to attend the study session, and lauded the Council for a balanced list of priorities.

Council Member Hamilton stated that he recalled there being discussion at the study session regarding ball field lighting.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council adopt the 2010 Priority Projects and Objectives, as amended to include ball field lighting. The motion carried unanimously.

Disposition: Approved, as amended.

**PUBLIC HEARINGS**

21. ZONING ORDINANCE TEXT AMENDMENT TO AMEND SECTION 801.1 OF THE PORTERVILLE ZONING ORDINANCE TO ALLOW RECYCLING CENTERS AS CONDITIONAL USES IN THE CENTRAL COMMERCIAL (C-2) ZONE

Recommendation: That the City Council:
1. Approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and
2. Waive further reading of the draft ordinance, approve Ordinance Amendment 2010-01 and order to print.

City Manager Lollis introduced the item, and City Planner Ben Kimball presented the staff report.

Staff provided clarification regarding planned zone changes, in response to Vice Mayor Ward’s questions regarding the differences between Downtown Retail and C-2 Zones. It was also noted that recycling centers would always require a conditional use permit, unless they were within an industrial zone.

Council Member Pedro Martinez expressed concern with the aesthetic effect of recycling centers, and Community Development Director Brad Dunlap elaborated briefly on the characteristics of indoor facilities.

The hearing was opened to the public at 7:26 p.m. Seeing no one, the Mayor closed the public hearing at 7:27 p.m.

Council Member Felipe Martinez stated that he had visited the site and spoke to neighbors who were generally in favor of a recycling center.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member
Ordinance 1760 Felipe Martinez that the City Council approve the proposed Ordinance Amendment and give first reading to the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE APPENDIX A – ZONING ORDINANCE SECTION 801 PERTAINING TO RECYCLING CENTERS IN THE CENTRAL COMMERCIAL (C-2) ZONE; waive further reading of the ordinance and order the ordinance to print.

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

The City Manager read the ordinance by title only.

Disposition: Approved

22. DEVELOPMENT OF FIVE YEAR CONSOLIDATED PLAN (2010-2015) AND 2010-2011 ANNUAL ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS

Recommendation: That the City Council conduct a Public Hearing for discussion of the types of projects and programs to be included in the CDBG Five Year Consolidated Plan and 2010/2011 Action Plan.

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

The public hearing was opened at 7:37 p.m. Seeing no one, the Mayor closed the public hearing at 7:38 p.m.

Council Member Pedro Martinez requested that staff look into using funds for the rehabilitation of Lime Street Park, and Community Development Director Dunlap indicated that eligibility would first need to be determined.

Council Member Pedro Martinez then expressed concern with the lack of public comment, and a discussion ensued regarding staff’s efforts to solicit citizen input and identify areas in need of improvements and lacking infrastructure.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Pedro Martinez that the City Council direct staff to identify neighborhoods with the greatest need for improvements. The motion carried unanimously.
Disposition: Staff direction given.

23. SEAFOOD CAFÉ/EL REVENTON UPDATE

Recommendation: That the City Council receive the report as presented and as a result of the ABC violation in August 2009, consider setting a public hearing to consider modification or revocation of CUP 5-2007.

City Manager Lollis introduced the item. City Attorney Lew noted that Council Member Hamilton had a business within 500 feet of the establishment, and Council Member Felipe Martinez would be abstaining due to a perceived conflict of interest. Both Council Members recused themselves and exited the Council Chambers. The staff report was presented by Associate Planner Jose Ortiz.

Community Development Director Brad Dunlap informed the Council that the applicant had pursued an application or request for an extension of their hours while the staff report was being prepared, but that they had withdrawn their request after the hearing had been noticed.

At the request of Mayor McCracken, City Attorney Lew advised that the Council not conduct a public hearing for modification of the conditional use permit, since the request had been withdrawn. The Mayor then inquired if there were any members of the public in the audience who had come specifically to speak at the public hearing. Four individuals were present, but indicated that they would come back if another public hearing was scheduled.

Council Member Pedro Martinez made a motion to set a public hearing, and withdrew it shortly thereafter. He also made a motion to continue the public hearing to the next quarterly update, which died for lack of a second. He then requested that staff provide the information within their updates with a less negative outlook.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Mayor McCracken that the City Council schedule a public hearing for the March 2, 2010, City Council meeting.

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

Disposition: Public hearing scheduled.

The Council recessed for ten minutes at 8:17 p.m.

SCHEDULED MATTERS

24. THIS ITEM HAS BEEN REMOVED.

25. PROPOSED CHANGES TO CHAPTER 12 OF THE CITY OF PORTERVILLE MUNICIPAL CODE
Recommendation:  Information Only

The City Manager introduced the item, and Battalion Chief/Fire Marshal Loran Blasdell presented the staff report.

Disposition:  No action required.

26.  IMPACTS OF A NON-CERTIFIED HOUSING ELEMENT

Recommendation:  That the City Council:
1.  Consider the information provided and direct staff accordingly; and
2.  If the Council chooses to proceed with the Certified Housing Element, approve the following actions:
   a.  Direct staff to map out a program to rezone and annex enough land to accommodate at least 1100 units of high-density residential for the immediate planning period; and
   b.  Direct staff on whether to consider a second phase of rezones and annexations to accommodate the subsequent planning period.

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

Council Member Hamilton indicated that he understood that the Council had to proceed, but requested that the City take the issue to the Council of Cities to communicate the Council’s concerns about the matter.

COUNCIL ACTION:  MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve proceeding with the Certified Housing Element; and direct staff to take the issue to the Council of Cities.  The motion carried unanimously.

Disposition:  Approved, and direction given.

27.  SKATE PARK VANDALISM

Recommendation:  That the City Council consider skate park vandalism and potential projects as part of regular budget preparation.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

- Ron Irish, address on record, stated that motion sensors were not a feasible option due to traffic, and commented on the lack of cost figures in the staff report.
Vice Mayor Ward and Council Member Felipe Martinez both indicated that the purpose of the lighting was not just for security, but to also light the park for use in the evening hours. A discussion ensued with regard to possible staff direction, and methods of addressing security issues.

The Council directed staff to bring back cost figures for activity lighting.

Disposition: Direction given.

28. LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT ANALYSIS AND CONSOLIDATION OPTIONS

Recommendation: That the City Council:
1. Consider the options;
2. Authorize Staff to proceed with Option 3, which includes re-bidding the contracts with negative fund balances; and
3. Provide further direction regarding the options presented or combinations thereof.

City Manager Lollis introduced the item, and Administrative Aide Vangie Ramirez presented the staff report.

Council Member Hamilton inquired about the assessment of an incorrect amount of lots. Parks and Leisure Services Director Jim Perrine stated the past practice was to create an assessment district based on the tentative development plan, which at times differed from the final map and resulted in an incorrect assessment. A discussion ensued with regard to administrative efforts to identify and correct such errors.

- Ron Irish, address on record, indicated that he was not notified in advance of the item as he had previously requested; spoke about the lack of information regarding the City’s performance and defined standards; and stated that there were too many inadequacies.

- Jim Oakley, address on record, owner of Annexation 14, expressed disappointment about not being notified of the item in advance; commented on options presented; and spoke in favor of landscape maintenance districts when properly implemented.

Council Members apologized for failure to notify Mr. Irish and Mr. Oakley of the item in advance. A discussion then ensued regarding the development of standards, and the need to consider replacements costs in the assessments. Council Member Felipe Martinez recommended reviewing the issues at a slower pace in order to make the proper corrections, while Council Member Pedro Martinez spoke in favor of expediting review of the problems.

City Attorney Lew addressed questions regarding the need for a public hearing in the event standards were set, indicating that a public hearing would be required if an increase in the assessment were proposed. She also noted that maintenance standards could be difficult to adhere to in the long-term due to Proposition 218 requirements.
Parks and Leisure Services Director Perrine addressed the Council’s comments regarding the importance of standards in justifying an increase in fees, and spoke of the need to research costs to adhere to any maintenance standards that may be adopted.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve Option 3: Address LMDs with negative fund balances individually, with the inclusion of Annexation No. 14.

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

Disposition: Approved, as amended.

29. CONSIDERATION OF RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010

Recommendation: That the City Council consider the Resolution of Support for the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

City Manager Lollis introduced the item and announced that Hilary Baird, Regional Representative for League of California Cities had planned to be in attendance but fell ill. He apologized on her behalf and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Resolution of Support for the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010. The motion carried unanimously.

Disposition: Approved

30. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF RESOLUTION IN SUPPORT OF THE “SAFE, CLEAN, AND RELIABLE DRINKING WATER SUPPLY ACT OF 2010”

Recommendation: That the City Council consider the adoption of a Resolution of support for the “Safe, Clean, and Reliable Drinking Water Supply Act of 2010.”

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

Council Member Felipe Martinez spoke in support of the item and requested Council’s support.
Council Member Hamilton requested additional information and time to review, and staff was directed by the Council to continue the item to the next meeting to allow the Council the opportunity to read the bill. City Attorney Lew stated that she would look for a summary.

Disposition: Item continued to February 16, 2010.

31. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF LETTER OF SUPPORT FOR MR. NICK J. CANATA AS MEMBER OF THE DELTA STEWARDSHIP COUNCIL

Recommendation: That the City Council consider the letter of support for Mr. Nick Canata in his nomination to the Delta Stewardship Council.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council approve a letter of support for Mr. Nick Canata in his nomination to the Delta Stewardship Council.

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

Disposition: Approved

The Council adjourned at 10:08 p.m. to a Meeting of the Porterville Redevelopment Agency.

REDEVELOPMENT AGENCY MINUTES
February 2, 2010

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

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS
None

PUBLIC HEARINGS

PRA-01 2010-2014 IMPLEMENTATION PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

Recommendation: That the Redevelopment Agency approve and adopt the 2010-2014 Implementation Plan for the Porterville Redevelopment Project No. 1.

Staff indicated that Chair McCracken had property within the Redevelopment Project Area and Member Felipe Martinez had property within 500 feet. Both Council Members recused
themselves and exited the Council Chambers.

Agency Secretary Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

Steve Duckett from Urban Futures made a presentation to the Council about the Implementation Plan.

AGENCY ACTION: MOVED by Member Pedro Martinez, SECONDED by Member Hamilton that the Redevelopment Agency approve and adopt the 2010-2014 Implementation Plan for the Porterville Redevelopment Project No. 1.

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

Disposition: Approved

The Council adjourned at 10:27 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Hamilton, requested that the Council consider purchasing a bench in Centennial Park.
- Council Member Pedro Martinez, spoke of the 50th wedding anniversary of Mr. and Mrs. Ramon Camarena and requested the Council send them their congratulations; and announced the near completion of the Ceremonial Room at the Elks Lodge.
- Council Member Felipe Martinez, spoke about census efforts at Vallarta Market and lauded Administrative Aide Lupe Diaz for her efforts as the City’s representative.
- Vice Mayor Ward, inquired about the 150-yr anniversary of the founding of Porterville; suggested that a committee be formed to look at the placement of plaques on historical buildings; and inquired about the identification of City Council members on Council Member requested agenda items.

CLOSED SESSION
At 10:38 p.m. the Council took a five minute break and reconvened in Closed Session.

ADJOURNMENT
The Council adjourned at 11:55 p.m. to the meeting of February 16, 2010, at 6:00 p.m.
SUBJECT: CLAIM – HILL FAMILY TRUST

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Roland Hill, as Trustee of the Hill Family Trust, has filed a claim against the City in an amount of $19,800.65 for damages to a carport cover and surrounding asphalt at 147 N. “E” Street, which Claimant alleges were caused when a large tree fell upon the structure on January 18, 2010 during a weather event with heavy rains and strong winds.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: HILL FAMILY TRUST, ROLAND HILL, TRUSTEE

Claimant's Telephone #: [blacked out]

SS#: [redacted] DOB: [redacted] Gender: Male Female

Claimant's address: 742 No. Carmelita St., Porterville, CA 93257

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

Date of incident/accident: January 18, 2010

Date injuries, damages, or losses were discovered: January 18, 2010

Location of incident/accident: 147 No. E St., Porterville, CA 93257

What did entity or employee do to cause this loss, damage, or injury? LARGE TREE FELL FROM CITY RIGHT-OF-WAY ON TO CARPORT CAUSING MAJOR DAMAGE.

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

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? N/A

What specific injuries, damages, or losses did claimant receive? CARPORT HAD TO BE REMOVED AND A REPLACEMENT CARPORT BUILT BACK.

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

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] $19,800.65

LIMITED CIVIL CASE.

How was this amount calculated (please itemize)? THIS IS THE CONTRACTED PRICE TO REMOVE DAMAGED CARPORT AND BUILD THE REPLACEMENT.

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

Date Signed: 4/21/10 Signature: ____________________________

If signed by representative:
Representative's Name ____________________________ Address ____________________________
Telephone # ____________________________ Relationship to Claimant ____________________________
HOME IMPROVEMENT CONTRACT
NOT APPLICABLE TO SWIMMING POOLS OR SPAS
(Complies with Section 7159 of California Business and
Professions Code, and Civil Code Section 3097(b) as amended)

THIS AGREEMENT, DATED 4/9/10, IS BETWEEN:

<table>
<thead>
<tr>
<th>KLP Construction</th>
<th>AND</th>
<th>Roland Hill</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Contractor Name)</td>
<td></td>
<td>(Owner's Name)</td>
</tr>
<tr>
<td>728944</td>
<td></td>
<td>Carmelita</td>
</tr>
<tr>
<td>(Contractor's License Number)</td>
<td></td>
<td>(Owner's Home Address)</td>
</tr>
<tr>
<td>1493 N. Plano</td>
<td></td>
<td>Porterville Ca. 93257</td>
</tr>
<tr>
<td>(Contractor's Address)</td>
<td></td>
<td>(City, State &amp; Zip)</td>
</tr>
<tr>
<td>Porterville Ca. 93257</td>
<td>(City, State &amp; Zip)</td>
<td></td>
</tr>
<tr>
<td>559-333-3059</td>
<td></td>
<td>559-793-0331</td>
</tr>
<tr>
<td>(Contractor's Telephone - FAX)</td>
<td></td>
<td>(Owner's Business Address)</td>
</tr>
</tbody>
</table>

WORK TO BE PERFORMED AT: 147 N E Street

CONSTRUCTION LENDER: None

(Name and Address of Construction Fund Holder)

Description of the Project and Description of the Significant Materials to be Used and Equipment to be Installed: Contractor will furnish all labor and materials to construct and complete in a good, workmanlike and substantial manner a:

To remove metal fallen metal carport, reinstall to city requirements requiring new plans and structural engineering utilizing any material that is salvable

Price includes all plans, permits, material & labor

Substantial commencement of work under this contract is described as: removal of damaged material

Approximate Start Date: 4-26-2010
(Work will begin)

Approximate Completion Date: 6-14-2010
(Work is to be completed)

CONTRACT PRICE: $19800.65
(Owner agrees to pay Contractor total cash price)

DOWN PAYMENT. $1,000
(If any, if not applicable, put "none")

THE DOWN PAYMENT MAY NOT EXCEED $1,000 OR 10 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS LESS.

FINANCE CHARGE: $0
(Must be stated separately from this contract amount in dollars and cents; if none, put "none")
HOME IMPROVEMENT CONTRACT (continued)

SCHEDULE OF PROGRESS PAYMENTS: The schedule of progress payments must specifically describe each phase of work, including the type and amount of work or services scheduled to be supplied in each phase, along with the amount of each proposed progress payment. IT IS AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED. HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNSMARTMENT.

<table>
<thead>
<tr>
<th>Work or Services to be Performed or Materials to be Supplied</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demo &amp; removal of damaged carport</td>
<td>3/19/10</td>
</tr>
<tr>
<td>New plans &amp; engineering</td>
<td>4/9/10</td>
</tr>
<tr>
<td>Delivery of new structural material</td>
<td></td>
</tr>
<tr>
<td>City final appraisal &amp; sign off of permit</td>
<td></td>
</tr>
</tbody>
</table>

(If necessary, continue the description of the work on an additional attachment page and describe the attachment in the section below entitled, "List of Documents to be Incorporated into the Contract.")

Upon satisfactory payment being made for any portion of the work performed, the contractor shall, prior to any further payment being made, furnish to the person contracting for the home improvement work a full and unconditional release from any claim or mechanic's lien pursuant to Section 3114 of the Civil Code for that portion of the work for which payment has been made.

Allowances: The following items or specific prices as indicated are included in the contract price as allowances. The contract price shall be adjusted upward or downward based on actual amounts rather than estimated amounts herein:

List of Documents to be Incorporated into the Contract: Notice Concerning Commercial General Liability Insurance (CGL); Notice Concerning Workers' Compensation Insurance; Notice of Cancellation; Arbitration of Disputes; Three-Day Right to Cancel; Mechanic's Lien Warning; Information about Contractors' State License Board. A notice concerning commercial general liability insurance is attached to this contract. A notice concerning workers' compensation insurance is attached to this contract. (list any additional attachments):

Owner acknowledges receipt of a fully completed copy of this agreement and all documents listed above:

---

**ARBITRATION**

OWNER: Initial this box if you agree to arbitration. Review the "Arbitration of Disputes" section attached.

---

**RIGHT TO CANCEL**

You (the owner or tenant) have the right to require the Contractor to have a performance and payment bond; however, the Contractor can charge you for the costs of procuring a bond.

---

You are entitled to a completely filled in copy of this agreement, signed by both you and the contractor, before any work may be started.

X ____________________________
(Owner Sign Here - Read notice on Arbitration, Mechanic's Lien Warning)

Firm Name: KLP Construction

Date: 5/9-10

Contractor or Agent: X ____________________________
(Contractor or Agent Sign)

Salesman who solicited or negotiated contract:

Name: Kevin L Puett

State Registration Number: ____________________________

---
SUBJECT: AWARD CONTRACT – ONE-HALF TON CNG PICKUP TRUCKS

SOURCE: Finance Department/Purchasing

COMMENT: Staff solicited bids for six (6) new one-half ton full-size pickup trucks with CNG conversion. In response to solicitation, two (2) bids were received, both of which are responsive to the specifications. The bids are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hansel Ford</td>
<td>$214,466.55</td>
</tr>
<tr>
<td>Santa Rosa, CA</td>
<td></td>
</tr>
<tr>
<td>San Francisco Ford</td>
<td>$222,922.50</td>
</tr>
<tr>
<td>San Francisco, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has reviewed the bids and finds the low bidder to be completely responsive to the specifications. The 2010 Ford pickup truck is the only current model truck certified by the California Air Resources Board for the CNG conversion. The purchase of the CNG pickup trucks is authorized by a Federal Congestion Mitigation & Air Quality (CMAQ) grant administered by CalTrans in the amount of $194,766, with a local match of $25,234 from Equipment Replacement funds. Total estimated project cost is $220,000. It is therefore requested that Council award a contract to Hansel Ford, the low bidder, for the CNG pickup trucks.

RECOMMENDATION: That Council awards the contract for six (6) new one-half ton pickup trucks with CNG conversion to Hansel Ford of Santa Rosa, CA, in the amount of $214,466.55. Further, that Council authorizes payment upon satisfactory delivery of the equipment.
SUBJECT: ACCEPTANCE OF PROJECT – MORTON AVENUE BUS TURNOUTS

SOURCE: Public Works Department - Engineering Division

COMMENT: Sierra Range Construction has completed the Morton Avenue Bus Turnouts per plans and specifications. The project improved transit accessibility along a portion of Route 5. The two bus stops are along Morton Avenue between Prospect Street and Newcomb Street. The project included removal of existing concrete improvements and installation of new concrete improvements allowing a bus to pull completely out of the travel way to access the bus stop location. Concrete pads with bus shelters, provided by the City and installed by the contractor, were placed adjacent to the back of the new sidewalk. All improvements were constructed within City right of way.

City Council authorized expenditure of $49,777.99. Final construction cost is $44,390.64. Consistent with Council’s direction, Staff carefully tracked additional costs needed for construction management staff time and quality control compaction testing. The additional cost for these services is $7,118.42 (16% of final construction cost) and the following is a breakdown of these services:

- Construction Management (staff time) - $5,638.42 (12.7%)
- Quality Control (compaction testing) - $1,480.00 (3.3%)

During construction it became apparent that additional staff time was necessary to navigate the contractor through the project requirements. This happens from time to time when a contractor is unfamiliar with City Standards. Staff made every effort to assure that each construction stage was performed correctly. By doing so, several different City employees were involved during these various construction stages.

At the time of award, construction management and quality control costs were estimated to be 5% of the construction contract ($2,262.64). Funding for this project is from a Federal Transit Authority grant and Local Transportation Funds, and was approved in the 2009/2010 Annual Budget for bus turnouts.

Sierra Range Construction 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; and
2. Authorize the filing of the Notice of Completion.

ATTACHMENT: Locator Map
SUBJECT:  ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 269-060-050 – WAL-MART STORES, INCORPORATED – JAYE/GIBBONS STREET IMPROVEMENT PROJECT

SOURCE:  PUBLIC WORKS DEPARTMENT

COMMENT:  Wal-Mart Stores, Incorporated, owners of property located at APN 269-060-050, have accepted the appraised value of $6,101.00 for 6,632 square feet of right-of-way needed for the Jaye/Gibbons Street Improvement Project.

The City recently had the property appraised by Tim Simon, MAI, Simon Company Inc. a Certified General Real Estate Appraiser. The appraisal came in at $6,101.00 for 6,632 square feet needed for the project. This appraisal is available in the Community Development Department for your review.

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

RECOMMENDATION:  That City Council:

1.  Authorize staff to begin escrow, with the City paying escrow fees;
2.  Authorize staff to make payment to Wal-Mart Stores, Incorporated, in the amount of $6,101.00 after completion of escrow;
3.  Authorize the Mayor to sign all necessary documents; and
4.  Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:
1.  Right-Of-Way Take Map
2.  Resolution

DDF2 APPROPRIATED/FUNDED MP CM  ITEM NO. 5
ACQUIRED AREA: ±6,632 SQ FT

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

The East 10.00 feet, of the West 30.00 feet, of the North half, of the Northwest quarter, of the Southeast quarter, of Section 2, Township 22 East, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the official plat thereof.

The herein described parcel contains 6,632 square feet, more or less.

End of Description
GRANT DEED 2007-0074767
RS 18-62
APN 269-060-050

ACQUIRED AREA: ±6,632 SQ FT
* AS SHOWN ON TULARE COUNTY PLAT BOOK,
WITH NO RECORDED DOCUMENTS REFERENCED.
PRESUMED TO BE "PRESSSCRIPT" RIGHT OF WAY.
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 – INTERSECTION SAFETY IMPROVEMENT - DESIGNATION OF LEGGETT STREET AND GRAND AVENUE AS A 2-WAY STOP INTERSECTION ALONG GRAND AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: Article IV, Section 17-4 of the City's Traffic Ordinance No. 1162 authorizes the City Engineer to place and maintain or cause to be placed and maintained traffic control devices, as he may deem necessary or proper to regulate traffic. The Traffic Engineer must make such determinations based on traffic engineering principles and traffic investigations. Section 17-4 stipulates that the public must be notified of the application of a traffic control device so as to be effective when the traffic control device is installed. Article VII, Section 17-7 of the Traffic Ordinance states that a resolution must be effected prior to the installation of the traffic control device.

The City Engineer, after careful consideration and review of field conditions, has determined that the intersection of Leggett Street and Grand Avenue warrants the placement of stop signs for east and westbound traffic along Grand Avenue. Currently, all legs of the intersection at Grand Avenue and Leggett Street have “movement” issues causing unsafe conditions. This is partly due to the long existence of an “L” intersection at the subject location until the Sierra Estates subdivision extended Grand Avenue as a through street a few years ago. Stop signs along Grand Avenue will help avoid confusion at this fairly recent “T” intersection since most people in the area have been accustomed to sweeping around the previous “L” corner without any traffic control.

Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets. An amendment to Traffic Resolution No. 10-2001 is necessary for Leggett Street and Grand Avenue to be designated as a 2-way stop intersection along Grand Avenue.
RECOMMENDATION: That City Council:

1. Pass a resolution amending Traffic Resolution No. 10-2001, designating Leggett Street and Grand Avenue as a 2-way stop intersection along Grand Avenue;

2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control device, namely a 2-way stop along Grand Avenue, at the intersection of Leggett Street and Grand Avenue; and

3. Authorize the City Engineer to install traffic control devices, namely 2-way stop signs along Grand Avenue, at the intersection of Leggett Street and Grand Avenue.

ATTACHMENTS: Resolution
Locator Map
RESOLUTION NO.____________

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
AMENDING TRAFFIC RESOLUTION NO. 10-2001

WHEREAS, Traffic Ordinance No. 1162, Traffic Resolution No. 10-2001 defines and establishes certain streets and parts of streets in the City of Porterville as one way streets, through streets, stop intersections, no parking areas, diagonal parking zones, no parking zones, truck routes and commercial vehicles prohibited streets; and

WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change is made to Section 21 of Traffic Resolution No. 10-2001:

A. Section 21. Through Streets and Stop Intersections. Add to Section 21 the following:

21-152. The intersection of Leggett Street and Grand Avenue.

PASSED, ADOPTED AND APPROVED this 1st day of June, 2010.

________________________________________
Pete V. McCracken, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: WATER WELL EFFICIENCY REBATE

SOURCE: Public Works Department – Field Services Division

COMMENT: At the June 2, 2009 City Council meeting, the City adopted Resolution No. 45-09 declaring that the City participate with Southern California Edison (SCE) and the Valley Innovative Energy Watch (VIEW) (made up of participating County and City jurisdictions of Tulare County) with goals to achieve energy demand reduction and energy efficiencies for the local community.

On March 2, 2010, the City Council authorized entering into an agreement with SCE to receive rebates for increasing water well operating efficiencies on City wells C-16, C-17, C-18, C-25, and C-23. The City would like to be able to add or substitute other existing wells and will stay within the funds already approved.

RECOMMENDATION: That the City Council:

1. Authorize entering into agreements with Southern California Edison for rebates for increasing water well operating efficiencies; and

2. Authorize the Public Works Director to sign the agreements.
SUBJECT: WATER SHARE PURCHASES

SOURCE: Public Works Department – Field Services Division

COMMENT: The Pioneer Water Company (PWC) is now accepting sealed bids for the purchase of delinquent shares of PWC stock. There are currently four (4) shareholders with delinquent assessments. Their shares will be sold to cure the delinquencies.

The City has the opportunity to bid on these delinquent water shares of the Pioneer Water Company and increase its holdings and water rights in this company. The City currently owns 449 shares.

After recent negotiated ground water recharge purchases with local irrigation districts, the City Water Fund has a remaining budget this fiscal year of $30,000 for water purchases of this nature.

Staff recommends that City Council authorize the Public Works Director to submit a sealed bid for each of the four different lots of delinquent shares in an effort to secure as many shares as possible. Staff anticipates that the 4 sealed bids will be significantly less than what is available from the remaining water purchase fund. The maximum amount of shares that we could purchase is four shares.

RECOMMENDATION: That the City Council:

1. Authorize the Public Works Director to submit sealed bids for the four different lots of delinquent shares in an effort to secure as many shares as possible.
COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM – CHARLES AND JAN CRISSMAN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Community Development Block Grant (CDBG) Program contains a component for the Business Assistance program, which is intended to provide incentives for the investment in existing commercial or industrial facilities while addressing one or more of the national objectives of benefiting low income persons and helping in the elimination of slum and blight. City Council has previously approved and funded five projects under this program. Currently the Business Assistance Program has $106,701 available for business assistance.

Charles Crissman has been the manager of Clevenger Paint and Body Shop for 14 years and his wife, Jan, has been the bookkeeper for the shop. The Crissmans have been provided the opportunity to acquire the real property and the business located at 721 N. Sunnyside, Porterville, from Clevenger Ford.

The business has been at the same location for twenty (20) years. Considered a complete Collision Repair Center, the business is a direct repair facility for 9 major insurance companies. The business has a loyal customer base, with many repeat customers and referrals. The company will continue to provide repair service for the Ford dealership.

The cost of the real property and the business, including equipment, is $500,000. The Crissmans will be assuming a Small Business Administration (SBA) loan in the amount of $386,000 and will be providing an owner infusion of cash in the amount of $14,000. The CDBG funding requested is $100,000. The acquisition could not be accomplished without the CDBG assistance. The Crissmans commit to retaining 4 of the current employees to exceed the CDBG program’s established job creation/retention ratio of 1:$35,000.

The Community Development Financial Assistance Review Committee has reviewed the request and has recommended the preparation of a Loan Agreement, whereby CDBG funds in the amount of $100,000 will be allocated towards the acquisition as requested by the applicant. The loan will be secured by a lien on the property, with the City being in third position. Funding approval is proposed to be structured into both a Loan Agreement and a Hiring Agreement with the following terms:

Item No. 9
1. A Loan Agreement shall be signed between the City and the Crissmans, outlining the terms of the loan, including monthly payments, indemnification of the City, and a ten year term. CDBG funding will be placed into escrow for the acquisition of the real property, with the property serving as collateral.

2. The Crissmans will enter into a Hiring Agreement with the City of Porterville, assuring that 51 percent of the jobs retained or created by the CDBG funding will be filled by or made available to persons of low and moderate-income.

3. The loan shall bear simple annual interest at 2%. Per the policy of the CDBG Business Assistance Program, funding shall bear interest equal to the Local Agency Investment Fund (LAIF) rate or 2%, whichever is greater at the time of funding. As of April 2010 the LAIF rate was .56%.

4. If at any time during the term of the Agreement the Crissmans fail to operate the business located at 721 N. Sunnyside, Porterville, California, as a paint and body repair shop, the then current loan amount for the project, including simple interest, shall become due and payable to the City.

RECOMMENDATION: That the City Council:

1. Approve the use of Community Development Block Grant Business Assistance funds in the amount of $100,000 for Charles and Jan Crissman for the acquisition of the business located at 721 N. Sunnyside Street; and

2. Authorize staff to place the funds into escrow pending the close of the business transaction; and

3. Authorize the Mayor to sign all documents and agreements necessary to complete the project.
SUBJECT: CALHOME PROGRAM APPLICATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The California Department of Housing and Community Development (HCD) has issued a Notice of Funding Availability (NOFA) for funds under the CalHome Program with funding provided by Proposition 1c, the Housing and Emergency Shelter Trust Fund Act of 2006. The program NOFA is designed to make funds available to cities, counties, and nonprofit corporations to support existing homeownership programs aimed at low and very low-income households and operated by the local public agency or the nonprofit corporation. The City has previously received two CalHome grants of $500,000 each for funding the First Time Low Income Homebuyer Program.

Eligible activities for CalHome program funding include: 1) First-Time Homebuyer Mortgage Assistance and 2) Owner-Occupied Rehabilitation. A separate NOFA for the development of new homeownership housing has also been released.

City staff is preparing a CalHome Program application for $1,000,000 which is the maximum individual program or aggregate program application amount for all activities. The City proposes to apply for $750,000 for continuation of the City-wide First Time Low Income Homebuyer Loan Program and $250,000 for the continuation of the Owner Occupied Housing Rehabilitation Program. These funds will assist approximately twenty (20) homebuyers to purchase a home within the city limits of Porterville and approximately ten (10) homeowners to rehabilitate their homes within a target area that encompasses Census Tracts 38.02 and 41.01 (Attachment 1).

The application to HCD is due June 25, 2010. Award of funds is expected to be made in Fall 2010, with the execution of a Standard Agreement with HCD several months later. The term of the Standard Agreement shall be for 36 months from the date of the award letter.

The CalHome Program requires that the loans to the homebuyers through this program must have principal and interest payments deferred for the 30 year term of the loan and that the first time homebuyer applicants must attend at least eight hours of homebuyer education.

A governing board resolution granting authority to make application to HCD for a funding commitment from the CalHome Program is a requirement of the application. No match is required besides the cost of administration of the
program. Certain activity delivery costs are reimbursable through the grant.

In applying for these CalHome Program funds, the City is once again taking measures to implement programs outlined in the City’s Housing Element, 2010 Five Year Consolidated Plan, and the Redevelopment Implementation Plan.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development;

2. Authorize the Mayor to execute all documents pertaining to the CalHome Program; and

3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development for administration of the CalHome Program.

Attachment: 1. Census Tract Maps (3)
2. Draft Resolution
Census Tract 41.01, Tulare County, California

Boundaries
- State
- County
- Census Tract
- Block Group
- Block
- Place
- Urban Area

Features
- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

2.8 miles across

Attachment 1(c)

http://factfinder.census.gov/servlet/MapItDrawServlet?geo_id=14000US06107004101&tre... 6/10/2008
RESOLUTION NO.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM

WHEREAS: The City of Porterville, a political subdivision of the State of California, wishes to apply for and receive an allocation of funds through the CalHome Program; and

WHEREAS: The California Department of Housing and Community Development (hereinafter referred to as “HCD”) has issued a Notice of Funding Availability (“NOFA”) for the CalHome Program established by Chapter 84, Statutes of 2000 (SB 1656 Alarcon), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the “statute”). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome Program, subject to the terms and conditions of the statute and the CalHome Program Guidelines adopted by HCD on April 2004; and

WHEREAS: The City of Porterville wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of $1,000,000.

NOW, THEREFORE BE IT RESOLVED: That the City Council of the City of Porterville, State of California, hereby approve the submittal to HCD of an application to participate in the CalHome Program in response to the NOFA issued on April 19, 2010 to request $750,000 for the First-Time Homebuyer Mortgage Assistance Program to be used within the city limits of Porterville and $250,000 for the Owner-Occupied Rehabilitation Program to be used within the qualified census tracts 38.02 and 41.01 within the city limits of Porterville. If the application for funding is approved, the City of Porterville hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program guidelines cited above. It also may execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor to execute in the name of the City of Porterville, the application, the Standard Agreement and all other documents required by HCD for participation in the CalHome Program, and any amendments thereto and that the City of Porterville authorizes the Community Development Director to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development for administration of the CalHome Program.

Pete V. McCracken, Mayor

ATTEST:
John Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO. 2
SUBJECT: SEQUOIA VALLEY ENTERPRISE ZONE TARGETED EMPLOYMENT AREA DESIGNATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On August 19, 2009, the Economic Development Corporation, acting on behalf of the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the County of Tulare received conditional designation for the Sequoia Valley Enterprise Zone (SVEZ), with a 15 year zone designation period to begin upon receiving final Enterprise Zone (EZ) designation from the State of California Department of Housing and Community Development.

As part of an EZ designation, the EZ must establish boundaries for a Targeted Employment Area (TEA). Section 7072(i) of the Government Code defines TEA as an area within a city, county, or city and county that is composed solely of those census tracts that have at least 51 percent of its residents of low- or moderate-income levels. Its purpose is to encourage businesses in an enterprise zone to hire eligible residents from these geographic areas. The incentive for these businesses is the availability of a tax credit for hiring residents who reside in a TEA.

Under the current Business Incentive Zone designation, anyone residing in the zone boundaries could qualify an employer to receive the hiring tax credit. Under the Enterprise zone, the EZ is required to designate the TEA by census tracts. Approximately 93.6% of the households living in Tulare County, based on 2000 census information, could qualify to be included in the TEA.

State regulations require each city and the county to adopt a resolution designating the TEA. Since the Enterprise Zone is operated by a joint powers, each City and the County is being asked to adopt the TEA for the entire county, not just the individual jurisdiction.

RECOMMENDATION: That the City Council adopt a resolution establishing the Targeted Employment Boundaries for the Sequoia Valley Enterprise Zone.

ATTACHMENT: Draft Resolution
RESOLUTION # __________________
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ADOPTING THE TARGETED EMPLOYMENT AREAS FOR THE
SEQUOIA VALLEY ENTERPRISE ZONE

WHEREAS, the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the county of Tulare have each separately and jointly taken significant steps to coordinate their economic development efforts through the Economic Development Corporation (EDC) and to concentrate their respective resources in ways that would generate additional long-term employment in the private sector; and

WHEREAS, the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the county of Tulare formed the Business Incentive Zone Council ("Council"), under a joint powers agreement, to work cooperatively in marketing and managing the Tulare County Targeted Tax Area over the past 12 years as a single labor market area without regard to jurisdictional boundaries; and

WHEREAS, the authority of the Council was expanded to include the application and implementation of the Enterprise Zone through the Economic Development Corporation, designated as the administrator of the Targeted Tax Area and the Enterprise Zone; and

WHEREAS, on August 19, 2009, the Economic Development Corporation, acting on behalf of the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, Woodlake, and the County of Tulare received conditional designation for the Sequoia Valley Enterprise Zone, with a 15 year zone designation period to begin upon receiving final Enterprise Zone designation from the State of California Department of Housing and Community Development; and
WHEREAS, Government Code Section 7073(a) requires any city, county, or city and county who applies for and receives designation as an enterprise zone, to also establish definitive boundaries for a targeted employment area.

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

1. The following census tracts within the territorial jurisdictions of the County of Tulare and/or the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake, as shown on Exhibit A, attached hereto and incorporated herein, having been determined to have at least 51 percent of its residents of low-or moderate-income levels, are hereby identified as those census tracts which are in the most need of employment targeting pursuant to Government Code Section 7072 (i): Census Tract Numbers are shown on Exhibit A.

2. A Targeted Employment Area composed of the above-specified census tracts and having the boundaries as shown on Exhibit B, attached hereto and incorporated herein, is hereby approved

________________________________________
Pete V. McCracken, Mayor

ATTEST:

John Lollis, City Clerk

By:         __________________________
            Patrice Hildreth, Chief Deputy City Clerk
### III. Census Data Sets for Targeted Employment Area

#### Sequoia Valley Enterprise Zone

**Instructions for Section III:** Enter the specified information for the census tracts to be included in the Targeted Employment Area. The percentage of households at or below low to moderate levels (Column E) for each census tract should equal at least 51 percent.

<table>
<thead>
<tr>
<th>Census Tract Number</th>
<th>Median Household Income in 1999 (State)</th>
<th>Number of Households (Total)</th>
<th>Number of Households with less than the Median Household Income</th>
<th>Percentage of Households at or below low to moderate levels (Col. D/Col. C)x100=%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>47,493</td>
<td>1971</td>
<td>1971</td>
<td>100%</td>
</tr>
<tr>
<td>2.01</td>
<td>47,493</td>
<td>1803</td>
<td>1803</td>
<td>100%</td>
</tr>
<tr>
<td>2.02</td>
<td>47,493</td>
<td>526</td>
<td>526</td>
<td>100%</td>
</tr>
<tr>
<td>3.01</td>
<td>47,493</td>
<td>1794</td>
<td>1794</td>
<td>100%</td>
</tr>
<tr>
<td>3.02</td>
<td>47,493</td>
<td>793</td>
<td>793</td>
<td>100%</td>
</tr>
<tr>
<td>4.01</td>
<td>47,493</td>
<td>1078</td>
<td>1078</td>
<td>100%</td>
</tr>
<tr>
<td>4.02</td>
<td>47,493</td>
<td>1772</td>
<td>1772</td>
<td>100%</td>
</tr>
<tr>
<td>5.01</td>
<td>47,493</td>
<td>1574</td>
<td>1574</td>
<td>100%</td>
</tr>
<tr>
<td>5.02</td>
<td>47,493</td>
<td>613</td>
<td>613</td>
<td>100%</td>
</tr>
<tr>
<td>6</td>
<td>47,493</td>
<td>1273</td>
<td>1273</td>
<td>100%</td>
</tr>
<tr>
<td>7.01</td>
<td>47,493</td>
<td>741</td>
<td>741</td>
<td>100%</td>
</tr>
<tr>
<td>7.02</td>
<td>47,493</td>
<td>1315</td>
<td>1315</td>
<td>100%</td>
</tr>
<tr>
<td>8</td>
<td>47,493</td>
<td>2022</td>
<td>2022</td>
<td>100%</td>
</tr>
<tr>
<td>9</td>
<td>47,493</td>
<td>1560</td>
<td>1560</td>
<td>100%</td>
</tr>
<tr>
<td>10.03</td>
<td>47,493</td>
<td>1863</td>
<td>1863</td>
<td>100%</td>
</tr>
<tr>
<td>10.04</td>
<td>47,493</td>
<td>1707</td>
<td>1707</td>
<td>100%</td>
</tr>
<tr>
<td>10.05</td>
<td>47,493</td>
<td>628</td>
<td>340</td>
<td>54%</td>
</tr>
<tr>
<td>11</td>
<td>47,493</td>
<td>1936</td>
<td>1936</td>
<td>100%</td>
</tr>
<tr>
<td>12</td>
<td>47,493</td>
<td>452</td>
<td>452</td>
<td>100%</td>
</tr>
<tr>
<td>13.01</td>
<td>47,493</td>
<td>2224</td>
<td>2224</td>
<td>100%</td>
</tr>
<tr>
<td>13.02</td>
<td>47,493</td>
<td>1812</td>
<td>1812</td>
<td>100%</td>
</tr>
<tr>
<td>14</td>
<td>47,493</td>
<td>1386</td>
<td>1386</td>
<td>100%</td>
</tr>
<tr>
<td>15.01</td>
<td>47,493</td>
<td>1572</td>
<td>1572</td>
<td>100%</td>
</tr>
<tr>
<td>15.05</td>
<td>47,493</td>
<td>1642</td>
<td>1642</td>
<td>100%</td>
</tr>
<tr>
<td>16.01</td>
<td>47,493</td>
<td>1242</td>
<td>1242</td>
<td>100%</td>
</tr>
<tr>
<td>16.02</td>
<td>47,493</td>
<td>1504</td>
<td>1504</td>
<td>100%</td>
</tr>
<tr>
<td>17.01</td>
<td>47,493</td>
<td>2213</td>
<td>2213</td>
<td>100%</td>
</tr>
<tr>
<td>17.04</td>
<td>47,493</td>
<td>862</td>
<td>487</td>
<td>56%</td>
</tr>
<tr>
<td>18</td>
<td>47,493</td>
<td>1858</td>
<td>1858</td>
<td>100%</td>
</tr>
<tr>
<td>19.01</td>
<td>47,493</td>
<td>1139</td>
<td>614</td>
<td>54%</td>
</tr>
<tr>
<td>20.02</td>
<td>47,493</td>
<td>1675</td>
<td>1675</td>
<td>100%</td>
</tr>
<tr>
<td>20.03</td>
<td>47,493</td>
<td>2039</td>
<td>2039</td>
<td>100%</td>
</tr>
<tr>
<td>20.04</td>
<td>47,493</td>
<td>1748</td>
<td>1748</td>
<td>100%</td>
</tr>
<tr>
<td>20.07</td>
<td>47,493</td>
<td>1411</td>
<td>1411</td>
<td>100%</td>
</tr>
<tr>
<td>20.08</td>
<td>47,493</td>
<td>1011</td>
<td>1011</td>
<td>100%</td>
</tr>
<tr>
<td>20.09</td>
<td>47,493</td>
<td>1685</td>
<td>1685</td>
<td>100%</td>
</tr>
<tr>
<td>21</td>
<td>47,493</td>
<td>634</td>
<td>634</td>
<td>100%</td>
</tr>
<tr>
<td>22.01</td>
<td>47,493</td>
<td>2319</td>
<td>2319</td>
<td>100%</td>
</tr>
<tr>
<td>22.02</td>
<td>47,493</td>
<td>1172</td>
<td>1172</td>
<td>100%</td>
</tr>
<tr>
<td>23.02</td>
<td>47,493</td>
<td>1359</td>
<td>1359</td>
<td>100%</td>
</tr>
<tr>
<td>23.03</td>
<td>47,493</td>
<td>2230</td>
<td>2230</td>
<td>100%</td>
</tr>
</tbody>
</table>
### III. Census Data Sets for Targeted Employment Area

**Sequoia Valley Enterprise Zone**

Instructions for Section III: Enter the specified information for the census tracts to be included in the Targeted Employment Area. The percentage of households at or below low to moderate levels (Column E) for each census tract should equal at least 51 percent.

<table>
<thead>
<tr>
<th>Census Tract Number</th>
<th>Median Household Income in 1999 (State)</th>
<th>Number of Households (Total)</th>
<th>Number of Households with less than the Median Household Income</th>
<th>Percentage of Households at or below low to moderate levels (Col. D/Col. C) x 100 = %</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.04</td>
<td>47,493</td>
<td>708</td>
<td>708</td>
<td>100%</td>
</tr>
<tr>
<td>24</td>
<td>47,493</td>
<td>1447</td>
<td>1447</td>
<td>100%</td>
</tr>
<tr>
<td>25</td>
<td>47,493</td>
<td>941</td>
<td>941</td>
<td>100%</td>
</tr>
<tr>
<td>26.01</td>
<td>47,493</td>
<td>1078</td>
<td>1078</td>
<td>100%</td>
</tr>
<tr>
<td>26.02</td>
<td>47,493</td>
<td>1342</td>
<td>1342</td>
<td>100%</td>
</tr>
<tr>
<td>27</td>
<td>47,493</td>
<td>2094</td>
<td>2094</td>
<td>100%</td>
</tr>
<tr>
<td>28</td>
<td>47,493</td>
<td>685</td>
<td>685</td>
<td>100%</td>
</tr>
<tr>
<td>29.01</td>
<td>47,493</td>
<td>1092</td>
<td>1092</td>
<td>100%</td>
</tr>
<tr>
<td>29.03</td>
<td>47,493</td>
<td>1551</td>
<td>1551</td>
<td>100%</td>
</tr>
<tr>
<td>29.04</td>
<td>47,493</td>
<td>1332</td>
<td>1332</td>
<td>100%</td>
</tr>
<tr>
<td>30.01</td>
<td>47,493</td>
<td>1105</td>
<td>1105</td>
<td>100%</td>
</tr>
<tr>
<td>30.02</td>
<td>47,493</td>
<td>845</td>
<td>845</td>
<td>100%</td>
</tr>
<tr>
<td>31</td>
<td>47,493</td>
<td>1023</td>
<td>1023</td>
<td>100%</td>
</tr>
<tr>
<td>32</td>
<td>47,493</td>
<td>1459</td>
<td>1459</td>
<td>100%</td>
</tr>
<tr>
<td>33</td>
<td>47,493</td>
<td>1963</td>
<td>1963</td>
<td>100%</td>
</tr>
<tr>
<td>34</td>
<td>47,493</td>
<td>1725</td>
<td>1725</td>
<td>100%</td>
</tr>
<tr>
<td>35</td>
<td>47,493</td>
<td>2930</td>
<td>2930</td>
<td>100%</td>
</tr>
<tr>
<td>36.01</td>
<td>47,493</td>
<td>2127</td>
<td>2127</td>
<td>100%</td>
</tr>
<tr>
<td>36.02</td>
<td>47,493</td>
<td>1823</td>
<td>1823</td>
<td>100%</td>
</tr>
<tr>
<td>37</td>
<td>47,493</td>
<td>1864</td>
<td>1864</td>
<td>100%</td>
</tr>
<tr>
<td>38.01</td>
<td>47,493</td>
<td>1093</td>
<td>1093</td>
<td>100%</td>
</tr>
<tr>
<td>38.02</td>
<td>47,493</td>
<td>1295</td>
<td>1295</td>
<td>100%</td>
</tr>
<tr>
<td>39.01</td>
<td>47,493</td>
<td>1793</td>
<td>1793</td>
<td>100%</td>
</tr>
<tr>
<td>39.02</td>
<td>47,493</td>
<td>1431</td>
<td>1431</td>
<td>100%</td>
</tr>
<tr>
<td>40</td>
<td>47,493</td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td>41.01</td>
<td>47,493</td>
<td>1995</td>
<td>1995</td>
<td>100%</td>
</tr>
<tr>
<td>41.02</td>
<td>47,493</td>
<td>464</td>
<td>464</td>
<td>100%</td>
</tr>
<tr>
<td>42</td>
<td>47,493</td>
<td>1282</td>
<td>1282</td>
<td>100%</td>
</tr>
<tr>
<td>43</td>
<td>47,493</td>
<td>1571</td>
<td>1571</td>
<td>100%</td>
</tr>
<tr>
<td>44</td>
<td>47,493</td>
<td>1531</td>
<td>1531</td>
<td>100%</td>
</tr>
<tr>
<td>45</td>
<td>47,493</td>
<td>1641</td>
<td>1641</td>
<td>100%</td>
</tr>
<tr>
<td>Census Tract Number</td>
<td>Median Household Income in 1999 (State)</td>
<td>Number of Households (Total)</td>
<td>Number of Households with less than the Median Household Income</td>
<td>Percentage of Households at or below low to moderate levels (Col. D/Col. C) x 100 = %</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10.06</td>
<td>47,493</td>
<td>2199</td>
<td>1056</td>
<td>48% not eligible</td>
</tr>
<tr>
<td>17.03</td>
<td>47,493</td>
<td>2044</td>
<td>904</td>
<td>44% not eligible</td>
</tr>
<tr>
<td>19.02</td>
<td>47,493</td>
<td>1400</td>
<td>576</td>
<td>41% not eligible</td>
</tr>
<tr>
<td>20.06</td>
<td>47,493</td>
<td>1325</td>
<td>350</td>
<td>28% not eligible</td>
</tr>
</tbody>
</table>
SUBJECT: SIERRA MANAGEMENT TRANSIT CENTER LEASE

SOURCE: Administration (Transit)

COMMENT: The commercial lease for the Transit Center expires June 30, 2010. This is an annual lease subject to renewal each July 1st. Since December 1, 2006, Sierra Management has also been occupying the additional lease space formerly used by Orange Belt Stages and assumed the additional rental fee for that designated space. The total rent being received is $785.00 per month.

The attached lease represents all of the Transit Center office space now occupied entirely by Sierra Management and utilized for the operation of the Fixed Route and Demand Response transportation services.

RECOMMENDATION: That the City Council:

1. Approve the Lease with Sierra Management; and

2. Authorize the Mayor and the City Clerk to execute the Lease which will go into effect as of July 1, 2010.

ATTACHMENT: 1. Commercial Lease with Sierra Management

DD

Appropriated/Funded

CM

Item No. 10
COMMERCIAL LEASE

The City of Porterville ("Lessor"), hereby offers to lease to Sierra Management ("Lessee") the Property situated in the County of Tulare, State of California, that certain space outlined on the plat map attached and marked as Exhibit "A" in the City of Porterville's Transit Building located at 61 West Oak, Porterville, California, 93257 (the "Property") upon the following TERMS and CONDITIONS:

1. TERM: The tenancy shall be for one year, commencing July 1, 2010 and ending June 30, 2011.

2. RENT: The rent shall be $785.00 per month, plus Lessee's share of utility and maintenance costs as described in Paragraph 12 below, payable as follows: $785.00 on or before the fifteenth day of each month. All rents shall be paid to Lessor, at the following address: 291 North Main Street, Porterville, California 93257. In the event rent is not paid by the date due, Lessee agrees to pay a late charge of $30.00. Lessee further agrees to pay $18.00 for each dishonored bank check. The late charge period is not a grace period, and shall be considered "additional rent," and Lessor is entitled to make written demand for any rent, including "additional rent," if not paid when due. Any unpaid balances remaining after termination of occupancy are subject to 1½% interest per month or the maximum rate allowed by law.

3. USE: The Premises are to be used for Lessee's operational and management services for Fixed Route and Dial-A-Ride public transit services.

4. USES PROHIBITED: Lessee shall not use any portion of the Premises for purposes other than those specified hereinafore, and no use shall be made or permitted to be made upon the Premises, nor acts done, which will increase the existing rate of insurance upon the property, or cause cancellation of insurance policies covering said property.

5. ASSIGNMENT AND SUBLETTING: Lessee shall not assign this Lease or sublet any portion of the Premises without prior written consent of the Lessor. Lessor is entitled to withhold such consent for any reason it deems appropriate. Any such assignment or subletting without consent shall be void and, at the option of the Lessor, may terminate this Lease.

6. ORDINANCES AND STATUTES: Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Premises, occasioned by or affecting the use thereof by Lessee. The commencement or pendency of any state or federal court abatement proceeding affecting the use of the Premises shall, at the option of the Lessor, be deemed a breach hereof.

7. MAINTENANCE, REPAIRS, ALTERATIONS: Lessee acknowledges having inspected the Premises and hereby accepts the Premises in their present condition. Lessee shall, at its own expense and at all times, maintain the Premises in good and safe condition, including plate glass, electrical wiring, plumbing and heating installations, and any other system or equipment upon the Premises and shall surrender the same, at termination hereof, in as good condition as received, normal wear and tear excepted. Lessee shall be responsible for all repairs required as a result of inappropriate usage or behavior of Lessee, or any of its employees. Lessor shall be responsible for other repairs to the plate glass, electrical wiring, plumbing and heating installations, due to normal wear and tear or mechanical malfunctions, or acts of vandalism.

No improvement or alteration of the Premises shall be made without the prior written consent of the Lessor. Prior to the commencement of any substantial repair, improvement, or alterations, Lessee shall give Lessor at least two (2) weeks written notice in order that Lessor may post appropriate notices to avoid any liability for liens.

Lessee shall not commit any waste upon the Premises, or any nuisance or act which may disturb the quiet enjoyment of any tenant in the building.
8. **ENTRY AND INSPECTION:** Lessee shall permit Lessor or Lessor’s agents to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same and will permit Lessor at any time **within sixty (60) days** prior to the expiration of this Lease, to place upon the Premises any usual "To Let" or "For Lease" signs or "For Sale" signs and permit persons desiring to lease or purchase the same to inspect the Premises thereafter.

9. **INDEMNIFICATION OF LESSOR:** To the fullest extent permitted by law, Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the leased portions of the premises or any part thereof, and Lessee agrees to hold Lessor harmless from any claims for damages, no matter how caused, save and excepting only those caused by the gross or active negligence of Lessor, and only to the extent caused by the gross or active negligence of Lessor.

10. **POSSESSION:** If Lessor is unable to deliver possession of the Premises at the commencement hereof, Lessor shall not be liable for any damage caused thereby, nor shall this Lease be void or voidable, but Lessee shall not be liable for any rent until possession is delivered. Lessee may terminate this Lease if possession is not delivered **within ten (10) days** of the commencement of the term hereof.

11. **INSURANCE:** Lessee, at its expense, shall procure and maintain for the mutual benefit of Lessor and Lessee, throughout the term of this Lease, public liability insurance including bodily injury and property damage insuring Lessee and Lessor with minimum coverage as follows: $5,000,000.00 for personal injury or death for each person and $5,000,000.00 for personal injury or death of two or more persons in each accident or event. Lessor shall be named as an additional insured and the policy shall contain cross-liability endorsements. Lessor shall also procure and maintain, at its expense, throughout the term of this Lease, insurance against loss or damage to any structures constituting any part of the demised Premises, by fire and lightning, with extended coverage insurance. Furthermore, Lessor shall maintain, for the mutual benefit of Lessor and Lessee, general public liability and property damage insurance covering the common areas against claims for personal injuries, death, or property damage, in the amounts determined by Lessor at its sole discretion.

12. **UTILITIES AND SERVICES:** Lessee agrees that it shall pay for all utilities. Lessee shall be responsible for 100% of the costs of electricity, gas, refuse, and the electronic security system. Lessee shall be responsible for its own telephone and communications services, and domestic water service. Lessor shall be responsible for water service for landscaping.

13. **COMMON AREAS:** Lessor shall make available at all times during the term of this lease in any portion of the Building that Lessor from time to time designates or relocates, automobile parking and common areas (jointly referred to as "common areas," as that term is defined below) as Lessor shall from time to time deem appropriate. Lessee shall have the nonexclusive right during the term of this lease to use the common areas for its own, its employees, agents, customers, clients, invitees, and licensees. The term "common areas" means the portions of the Building that, at the time in question, have been designated and improved for common use by or for the benefit of more than one tenant of the Building, including the parking areas; access and perimeter roads; landscaped areas; exterior walks, stairways, elevators, escalators and/or ramps; interior corridors, elevators, stairs, and balconies; directory equipment; the main entry lobby; restrooms; and drinking fountains. Lessor reserves the right to redesignate a common area for a non-common use or to designate as a common area a portion of the Building not previously designated a common area. All common areas shall be subject to the exclusive control and management of Lessor or those designated by Lessor to exercise management and control. Lessor shall have the right to establish, modify, amend and enforce reasonable rules and regulations with respect to the common areas and the Building. Lessee shall fully and faithfully
comply with and observe the rules and regulations for the common areas and the Building of which the leased space is a part. Lessor shall not be liable in any way for failure of any other occupant of the Building of which the leased space is a part to comply with and observe these rules and regulations.

14. TRADE FIXTURES: Any and all improvements made to the Premises during the Lessee's occupancy hereof shall belong to the Lessor, except trade fixtures of the Lessee. Lessee may, upon termination hereof, remove all its trade fixtures, but shall repair or pay for all repairs necessary for damages to the Premises occasioned by removal.

15. DESTRUCTION OF PREMISES: In the event of a partial destruction of the Premises during the term hereof, from any cause, Lessor shall forthwith repair the same to the extent that proceeds of insurance are available to Lessor, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate this Lease, except that Lessee shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Lessee on the Premises. If such repairs cannot be made within said sixty (60) days, Lessor, at its option, may make the same within a reasonable time, this Lease continuing in effect with the rent proportionately abated as aforesaid, and in the event that Lessor shall not elect to make such repairs which cannot be made within sixty (60) days, this Lease may be terminated at the option of either party.

In the event the building in which the demised Premises may be situated is destroyed to an extent of not less than one-third of the replacement costs thereof, Lessor may elect to terminate this Lease whether the demised Premises be injured or not. A total destruction of the building in which the Premises may be situated shall terminate this Lease. In either case the election of Lessor shall be without regard to the availability of insurance proceeds available to Lessor.

16. HAZARDOUS MATERIALS: Lessee shall not use, store, or dispose of any hazardous substances upon the Premises, except use and storage of such substances if they are customarily used in Lessee's business, and such use and storage complies with all environmental laws. Hazardous substances means any hazardous waste, substance or toxic materials regulated under any environmental laws or regulations applicable to the property.

17. INSOLVENCY: In the event a receiver is appointed to take over the business of Lessee, or in the event Lessee makes a general assignment for the benefit of creditors, or Lessee takes or suffers any action under any solvency or bankruptcy act, the same shall constitute breach of this Lease by Lessee.

18. BREACH OF LEASE/DEFAULT: The following are deemed to be breaches of this Lease: 1) failure to pay rent for a period of two months; 2) failure of Lessee to maintain the property in a good and safe condition, and in the same condition existing at the time this agreement was executed; 3) failure of Lessee to comply with any provision in this lease; 4) the execution, attachment or other judicial seizure of substantially all of Lessee's assets located at the leased premises or of Lessee's interest in the lease, when the seizure is not discharged within 15 days; or 5) the breach of this lease and abandonment of the lease premises before the expiration of the term of this lease.

19. REMEDIES OF LESSOR ON DEFAULT: In the event of any breach of this Lease by Lessee, Lessor may, at its option, terminate the Lease by hand delivering written notice of termination specifying the alleged default, and recover from Lessee: (a) the worth at the time of award of the unpaid rent which was earned at the time of termination; (b) the worth at the time of award of the amount by which the unpaid rent which would have been earned after termination until the time of the award exceeds the amount of such rental loss that the Lessee proves could have been
reasonably avoided; (c) the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss that Lessee proves could be reasonably avoided; and (d) any other amount necessary to compensate Lessor for all detriment proximately caused by Lessee's failure to perform his obligations under the Lease or which in the ordinary course of things would be likely to result therefrom. Upon receiving such notice of termination, Lessee shall vacate the premises. In lieu of, or in addition to, bringing an action for any or all of the recoveries described above, Lessor may bring an action to recover and regain possession of the leased premises in the manner provided by the California law of unlawful detainer then in effect.

Lessor may, in the alternative, continue this Lease in effect, as long as Lessor does not terminate Lessee's right to possession, and Lessor may enforce all its rights and remedies under the Lease, including the right to recover the rent, including "additional rent", as it becomes due under the Lease. If said breach of Lease continues, Lessor may, at any time thereafter, elect to terminate the Lease.

The remedies set forth in this enumerated section are not exclusive; they are cumulative in addition to any remedies now or later allowed by law.

20. **WAIVER OF RIGHT TO JURY TRIAL:** In the event there shall be a dispute between Lessor and Lessee and either party shall file an action against the other party to enforce their rights under this Lease, to interpret the Lease terms, or arising out of their relationship as Lessee and Lessor, the parties agree that the matter shall be tried by the court without a jury and each party specifically waives the right to a jury trial in any such action.

21. **ATTORNEY’S FEES AND COSTS:** In any action or proceeding involving a dispute between Lessor and Lessee, arising out of the execution of this lease, or to enforce the terms and conditions of this lease, the prevailing party shall be entitled to receive from the other party reasonable attorney's fees, expert fees, appraisal fees, and all other costs incurred in connection with such action or proceedings, to be determined by the court or arbitrator(s).

22. **WAIVER:** No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

23. **NOTICES:** Any notice which either party may or is required to give other than as otherwise provided in this Lease, shall be given by hand delivery or by mailing the same, postage prepaid, to Lessee or Lessor at the addresses shown below, or at such other places as may be designated by the parties, by notice in writing to the other party, from time to time.

24. **TIME:** Time is of the essence of this Lease.

25. **HEIRS, ASSIGNS, SUCCESSORS:** This Lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties.

26. **LESSOR'S LIABILITY:** The term "Lessor," as used in this paragraph, shall mean only the owner of the real property. In the event of any transfer of such title or interest, the Lessor named herein (or the grantor in case of any subsequent transfers) shall be relieved of all liability related to Lessor's obligations to be performed after such transfer. Provided, however, that any funds in the hands of Lessor or Grantor at the time of such transfer shall be delivered to Grantee. Lessor's obligations hereunder shall be binding upon Lessor's successors and assigns only during their respective periods of ownership.

27. **INDEPENDENT COUNSEL:** Lessee acknowledges it has been advised by all other parties and counsel to seek independent legal counsel to assist in reviewing this document before executing it and ask said legal counsel to explain its import and meaning. Any signature by Lessee
represents, inter alia, that it has had independent counsel assistance, or that it has personally reviewed and studied the Lease, understands each and every term, chooses not to avail itself to the assistance of independent legal counsel, and agrees fully with each and every term of this Lease. All parties acknowledge and understand that this agreement was a freely, openly negotiated document and that those attorneys that did assist in negotiation represented the interests only of their clients and not those of the parties who have chosen to waive the assistance of independent legal counsel.

DATED: ________________

LESSOR:
CITY OF PORTERVILLE

By: ________________________
Mayor

__________________________
City Clerk

DATED: ________________

LESSEE:
SIERRA MANAGEMENT

__________________________
Steven Tree, Owner
SUBJECT: AIRPORT LEASE RENEWAL – FBO LOT 10

SOURCE: FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT: Arrow Falcon Exporters, Inc., is the current leaseholder of Fixed Base Operator Lot 10 at the Porterville Municipal Airport. The twenty year lease will expire on October 31, 2010; however, the lease terms allow for an option to extend the lease for an additional twenty (20) years, provided the City receives a request to exercise the option 90 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) outlines the terms including the renewal option. We received a request from Mr. Victor Symonds, President, dated April 16, 2010, asking to continue the lease on FBO Lot 10. Staff recommends that Council grant the twenty-year option to extend the lease to 2030.

RECOMMENDATION: That the Council approve the twenty year extension of the Lease Agreement between the City of Porterville and Arrow Falcon Exporters, Inc., for Fixed Base Operator Lot 10 at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Victor Symonds, President, requesting renewal
Paragraph 2 of original Lease Agreement
April 16, 2010

City of Porterville
P. O. Box 432
Porterville, CA 93258

ATTN: Mr. John Longley

REF: Lease of Porterville Municipal Airport Site 10

Dear Mr. Longley,

In accordance with provisions of Porterville Municipal Airport Lease of 1 November, 1990, we wish to extend the terms of the lease for an additional 20 years.

Sincerely,

Arrow Falcon Exporters, Inc.

[Signature]
Victor Symponds
President

VVS/bj
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California this 1st day of November, 1990, by and between the CITY OF PORTERVILLE, a political subdivision of the State of California, hereinafter referred to as "City" and ARROW FALCON EXPORTERS, INC., 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 to conduct a fixed base operation; 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:

(a) 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, more particularly described by metes and bounds in Exhibits being attached hereto and by this reference made a part hereof.

2. Term: The term of this Lease shall commence when both parties have executed the same and shall terminate on October 31, 2010.

1
Provided Lessee is not in default with respect to any of the conditions or covenants of this Lease, Lessee shall have an option to extend the terms hereof for an additional period of twenty (20) years, by giving written notice thereof to Lessor not less than 90 days prior to expiration of this agreement.

3. Rental and Business Privilege Consideration:
Lessee agrees to pay to City in lawful money of the United States without deduction or offset, to the Finance Director, City of Porterville, P. O. Box 432, Porterville, California, 93258, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of .0042 per square foot per month. Inasmuch as the lease site contains 18,750 square feet of land area, said rental rate will be $945.00 per year.

At the end of each five (5) year period of this Lease, i.e. October 31, 1995, 2000 and 2005, the rate shall be adjusted by a percentage equal to the percentage increase or decrease in the Consumer Price Index (CPI) for San Francisco in the interval between the date of execution of this Lease or the last date of rate adjustment, and the end of the vie (5) year period.

4. Purpose: This Lease is made for the purpose of establishment and operating a full service fixed base operation and to engage in the following sales activities and provide the following services and accommodations in connection therewith:
SUBJECT: ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

SOURCE: ADMINISTRATION

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

Section V of the Agreement requires the Agreement to be reviewed annually to determine whether it should be amended to increase or decrease the scope of services contracted for and the base amount allotted and payable to the Chamber under the terms thereof. This provision was intended to prevent an automatic and obligatory annual commitment of municipal funds in times of limited revenues, and to validate charges for services actually provided or expected. Information required to be provided the City by the Chamber prior to the Council’s annual review of the Agreement includes (1) Annual Chamber Activity Report; and (2) Current Financial Statements. The required Activity Report and Financial Statements were received from the Chamber on May 27, 2010, and are attached hereto for the Council’s annual review.

In accordance with the Agreement, the Chamber has officially requested the annual performance allotment of $35,000 for FY 2009/2010. Unless the Agreement is amended following an annual review, payments of $35,000 can be made annually to the Chamber by the City on or before September 1st of each year (in this instance, 09/01/10), but in no event earlier than City Council receipt, and acceptance, of the requisite Chamber Reports.

Item No. 14
Subsequent to Council review and acceptance of the Chamber’s Activity Report and current Financial Statements, no action is required to maintain the level of services rendered, or the base compensation to be received, as set forth in the Agreement. However, should the Council decide to modify services or compensation for FY 2010/2011, such a modification requires an affirmative Council action, and a written amendment to the Agreement which must be executed by a representative of both the City and the Chamber. Included in the Community Promotions Budget for FY 2009/2010 was $35,000 for the City/Chamber Agreement.

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

ATTACHMENTS: 1. City/Chamber Agreement
               2. Chamber Annual Activity Report
               3. Chamber Annual Financial Statements
AGREEMENT BETWEEN
THE CITY OF PORTERVILLE AND
THE PORTERVILLE CHAMBER OF COMMERCE

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

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

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

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

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

I. Chamber Responsibilities. The Chamber shall:

A. Continue to carry on programs and promotional activities that include:

1. Mail solicitations, information pool, referral services, and the visitor information bureau.

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

3. Printing and distribution of informational pamphlets and brochures.

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

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

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

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

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

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

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

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

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

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

VIII. Notices. All notices required by the Agreement shall be in writing and delivered in person or sent by registered mail, postage prepaid.

///
///
///
IX. Relationship of Parties. It is understood that the contractual relationship of the Chamber to the City is that of an independent contractor.

CITY:

Cameron Hamilton, Mayor

ATTEST

John Longley

By:

John Longley, City Clerk

CHAMBER:

Donnette Silva Carter
President/CEO

Greg Woodard, Chair
Chamber Board of Directors

APPROVED AS TO FORM:

Julia Lew, City Attorney
May 13, 2010

The Honorable Pete McCracken  
Mayor, City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Dear Mayor McCracken and Members of the Council:

The Porterville Chamber of Commerce enjoyed a successful 2009 Fiscal Year (November 1, 2008 - October, 31, 2009) during which we celebrated our organization’s 102nd year of operation. The fiscal year included the introduction of new projects and enhancement of existing programs, while effectively serving Porterville businesses and the community. Significant was the concentration on business assistance programs during this time of economic challenge. Additionally, the Chamber’s coordination of the Community Branding Initiative, a project of community collaboration, brought forth the announcement of the much anticipated Porterville tagline and logo. “Porterville... Where Roads to Success Begin” is a brand currently being promoted by the Chamber, City and others. The Chamber also continued with the presentation of events utilizing Centennial Park for resident and visitor enjoyment. Programs realized an increased usage of Centennial Park, greater showcasing of local talent, and an improved promotion of our community’s good works programs.

During its past fiscal year, the Chamber engaged in numerous efforts for community and business promotion contributing to the achievement of the promotional objectives of the City. Promoting civic, social, and cultural events and activities is keeping within our mission and core competencies, and is vital to the continued development of the quality of living our residents and business owners insist upon.

The Chamber was proud to coordinate yet another successful Iris Festival event to celebrate our city's flower and provide an opportunity for tourism traffic and local family involvement. The 11th anniversary event welcomed an estimated over 25,000 attendees and record 196 booths. Local lodging facilities reported they were at capacity, and numerous downtown and other businesses indicated an increase in activity. We were pleased to continue to offer this venue which brings visitors and their dollars to our community, while providing a unique collaborative effort for community engagement and promotion.
Spearheading the NxLevel Entrepreneurship training series was a successful effort graduating its first class in August. Collaborating with the City to launch the Shop Porterville First campaign was an effort positively received by members, other local businesses, and residents. First Friday Coffees, Networking Mixers, and the Business Showcase & Taste of Porterville maintained their popularity as venues to network to grow business. Jointly presented employer workshops with the City and other partners kept our businesses aware of critical issues, and assisted with business retention and expansion. Additionally, the Chamber served as an advocate for business, communicating a pro-business message to state and federal elected officials in an effort to combat job killer bills and create an environment for business growth and prosperity.

Enclosed for your review, and in accordance with our City agreement for services, please find our 2009 Fiscal Year activity report and year-end financial summary. City Agreement services are included as well as highlights of other activities in order to provide a more comprehensive view of the breadth of the Chamber's program of work and impact. As the Chamber has met, and exceeded, its agreed upon services, this letter serves as our official request for disbursement of the City's budgeted 2009/2010 agreement for services funds to the Porterville Chamber of Commerce of $35,000.

The Chamber continues to enjoy the opportunity to provide contracted (and non-contracted) services in partnership with the City Council and City staff as we all work collaboratively for the betterment of our local economy and quality of life. Upon review of the performance level, we are certain you will agree it is evident the Chamber has not only sustained, but expanded its ability to leverage resources to the benefit of the businesses and community served. At the pleasure of Council, the Chamber's intent is to continue with the agreement services in the next fiscal year.

Sincerely,

Kay McGuire, Board Chair

Donnette Silva Carter, President/CEO
Porterville Chamber of Commerce

Annual Report

To the Porterville City Council

City of Porterville

2009 Fiscal Year

Porterville Chamber of Commerce
In compliance with the agreement between the City of Porterville and the Porterville Chamber of Commerce, the Chamber has met and exceeded its obligation to provide tourism promotion, relocation and visitor assistance, community promotion, coordination of the Centennial Park Friday night activities, and support of town affiliation programs. These agreement services, and a highlight of other accomplishments for the Chamber’s Fiscal Year 2009, are outlined below:

Served as the community’s active visitor information center by providing community information on attractions, recreational activities, entertainment, special events, lodging, restaurants, and shopping opportunities to an average of over 450 phone, internet and walk-in contacts per month.

Coordinated the expanded Centennial Park Music on Main Street Fall and Spring Concert Series programs which provide a venue to showcase local talent, and the occasion for residents and visitors to gather in the downtown area. Community Showcase night was provided to non-profits along with the opportunity for other entities to have booths during concerts.

The Chamber presented the 11th Annual Iris Festival to offer a spring event for family entertainment, tourism, and the celebration of our city’s official flower, the purple iris. This event was widely advertised locally, regionally and statewide and included in national publications. The 2009 Iris Festival welcomed the collaboration of other groups to offer coordinating activities ie Porterville Celebrates Reading, the Porterville Gleaning Seniors’ Pancake Breakfast, and the Porterville Art Association Spring Art Walk.

Maintained significant roles in the planning and presentation of the Eagle Mountain Airshow & Fly-in. The Chamber coordinated the vendor recruitment and management; arranged for the Kid’s Zone activities; and, leveraged resources to enhance the value of promotional efforts resulting in a comprehensive and cost effective marketing plan.

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

Participated with City staff in business retention and attraction efforts at the International Council of Shopping Centers Conference, in addition to maintaining our support of City economic development efforts with the Chamber’s Economic Development Committee. The Chamber fulfills the requests from interested parties for information about community demographics, real estate availability, the retail industry, workforce development resources, community attractions, workforce availability, housing, etc. Further supported economic development efforts through the Chamber’s staff and director’s representation on the Tulare County Economic Development Corporation.
Collaborated with the City for the launch of the Shop Porterville First Campaign, taking on various responsibilities including recruiting business participation.

Brought the NxLevel Entrepreneurship, Business Sustainability 13-week educational series to Porterville to assist existing entrepreneurs in developing refreshed strategies for business growth and sustainability.

Promoted Porterville through the distribution of brochures and the Chamber produced Business & Community Resource Directory. Distribution included local businesses, visitors, relocating individuals, business prospects, and others. Products include information on City and Chamber services, the schools, recreation opportunities, business resources, events, existing businesses and good works organizations.

Represented Porterville in the Sequoia Adventures Expo to promote Porterville amenities and local ‘stay-cations’.

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

Maintained our partnership, and leadership role, in the Sequoia Valley Visitors Council (SVVC), and effectively participated in the successful effort to locate a California Welcome Center in Tulare County. The Center includes Porterville promotional materials as well as locally manufactured product offerings. The SVVC is a committee of the Tulare County EDC and charged with the responsibility of promoting tourism in the Sequoia Valley.

Spearheaded the development of the Tulare-Kings County Branch of SCORE in order to advance the business counseling services for our local businesses. Continued providing partnership support for other business counseling and workforce services to start-up and existing businesses. Partners included the City of Porterville, Tulare County Workforce Investment Board, and Small Business Development Center.

Assisted employers with employee recruitment efforts in various ways including providing specially designed relocation packets. The Chamber also fulfilled requests from individuals researching or planning relocation to Porterville.

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

Promoted community attractions through various media outlets – ie television, radio, internet, internet radio, and print.
Continued the Highway 65 and Highway 190 advocacy efforts with state and federal legislators and entities in an effort to expand and upgrade these roadways which serve as major connectors for commerce in Porterville.

Over 1500 community visitor packets were distributed at special events, professional conferences, leisure gatherings, and club activities. The materials in these packets provide information about our community and promote our local businesses.

Facilitated the networking of business representatives through the hosting of twelve monthly mixers. These events provide for the strengthening of existing business relationships and the development of new contacts to grow business.

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

Participated in the International Ag Expo Visitor Center to provide information and referral to visitors from around the world. Materials on Porterville hotels, restaurants, and other businesses were distributed.

Introduced and managed the registration for and promotion of the Supervisor Training Series six-month training program which was co-sponsored by the Porterville Employer Advisory Council, City of Porterville, Employment Connection, and Porterville College. In addition, other valuable and low cost employer seminars were presented to keep local businesses up-to-date on important issues which impact their operation. The Chamber provided marketing and administrative support on these offerings as well.

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

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

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

Introduced a new and enhanced website to more effectively maintain our website presence through which we receive daily requests for information about the community from individuals and businesses. Requests are received from throughout the United States and many foreign countries as well.

Supported the efforts of many community organizations by serving as an information center for local social, cultural, business and miscellaneous events.
Celebrated new and expanded businesses by hosting local ground breaking ceremonies and ribbon cutting events in the community.

Coordinated the “Business Partner for a Day” project whereby local educators and administrators were placed into business sites. This project strengthens the relationship between business and education in our community; creates a greater awareness of the educational process in Porterville; and, increases the knowledge of our educators as to the training and education necessary to secure employment in our local workforce. The insights gained by both educators and business leaders can be invaluable as schools work to meet the challenges of preparing the future workforce.

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

Initiated the continued development of civic leaders through the re-structuring of the Leadership Porterville program, which is designed to education and train emerging community leaders.

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

Participated as the employment/business sector stakeholder representative on committees of Porterville Unified School District for the development of the Pathways Education Initiative and formation of various academy programs.

Presented the Business Showcase & Taste of Porterville Expo to promote business to business marketing in Porterville.

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

Continued financial sponsorship and promotion of the Anti-Auto Theft Reward Program and the Anti-Graffiti Reward Program.

As a good steward of our community, the Chamber promoted and participated in the Fill the Trolley Food Drives, the Fill the School Bus school supply drive, and the local Toys for Tots Campaign.
<table>
<thead>
<tr>
<th>Ordinary Income/Expense</th>
<th>Nov '08 - Oct '09</th>
<th>Budget</th>
<th>$ Over Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Advertising</td>
<td>7,900.00</td>
<td>13,100.00</td>
<td>-5,200.00</td>
<td>60.31%</td>
</tr>
<tr>
<td>Air Show</td>
<td>1,728.47</td>
<td>1,500.00</td>
<td>228.47</td>
<td>115.1%</td>
</tr>
<tr>
<td>Total Ambassadors Income</td>
<td>1,818.65</td>
<td>1,700.00</td>
<td>118.65</td>
<td>106.98%</td>
</tr>
<tr>
<td>Total Auction Income</td>
<td>46,248.94</td>
<td>45,000.00</td>
<td>1,248.94</td>
<td>102.78%</td>
</tr>
<tr>
<td>Total Awards Banquet</td>
<td>6,024.18</td>
<td>12,000.00</td>
<td>-5,975.82</td>
<td>50.2%</td>
</tr>
<tr>
<td>Total Business Showcase income</td>
<td>8,219.00</td>
<td>8,500.00</td>
<td>-281.00</td>
<td>96.69%</td>
</tr>
<tr>
<td>Business &amp; Education</td>
<td>3,500.00</td>
<td>6,500.00</td>
<td>-3,000.00</td>
<td>53.85%</td>
</tr>
<tr>
<td>Business Travel Missions</td>
<td>7,200.00</td>
<td>7,500.00</td>
<td>-300.00</td>
<td>96.0%</td>
</tr>
<tr>
<td>Total Christmas Parade</td>
<td>0.00</td>
<td>700.00</td>
<td>-700.00</td>
<td>0.0%</td>
</tr>
<tr>
<td>City of Porterville Income</td>
<td>35,000.00</td>
<td>35,000.00</td>
<td>0.00</td>
<td>100.0%</td>
</tr>
<tr>
<td>Conference Room Rental</td>
<td>50.00</td>
<td>500.00</td>
<td>-450.00</td>
<td>10.0%</td>
</tr>
<tr>
<td>Total Contributions-Building Fund</td>
<td>400.00</td>
<td>1,000.00</td>
<td>-600.00</td>
<td>40.0%</td>
</tr>
<tr>
<td>Total Employers Seminars/Partnership</td>
<td>5,042.48</td>
<td>2,500.00</td>
<td>2,542.48</td>
<td>201.7%</td>
</tr>
<tr>
<td>Total Fireworks Booth</td>
<td>30,448.41</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Income</td>
<td>101.58</td>
<td>1,500.00</td>
<td>-1,398.42</td>
<td>6.77%</td>
</tr>
<tr>
<td>Total Iris Festival</td>
<td>30,579.01</td>
<td>27,700.00</td>
<td>2,879.01</td>
<td>110.39%</td>
</tr>
<tr>
<td>Leadership Porterville</td>
<td>840.00</td>
<td>1,125.00</td>
<td>-285.00</td>
<td>74.67%</td>
</tr>
<tr>
<td>Total Membership Dues</td>
<td>104,958.00</td>
<td>115,000.00</td>
<td>-10,042.00</td>
<td>91.27%</td>
</tr>
<tr>
<td>Total Membership Event</td>
<td>40,568.21</td>
<td>40,600.00</td>
<td>-31.79</td>
<td>99.92%</td>
</tr>
<tr>
<td><strong>Total Music on Main</strong></td>
<td>5.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Misc. Income</strong></td>
<td>2,146.75</td>
<td>1,000.00</td>
<td>1,146.75</td>
<td>214.68%</td>
</tr>
<tr>
<td><strong>Total Product Sales</strong></td>
<td>2,421.73</td>
<td>3,250.00</td>
<td>-828.27</td>
<td>74.52%</td>
</tr>
<tr>
<td><strong>Total Reimbursed Expense</strong></td>
<td>739.26</td>
<td>1,000.00</td>
<td>-260.74</td>
<td>73.93%</td>
</tr>
<tr>
<td><strong>Total Rental Income</strong></td>
<td>26,642.63</td>
<td>27,650.00</td>
<td>-1,007.17</td>
<td>96.36%</td>
</tr>
<tr>
<td><strong>Retreat Inc</strong></td>
<td>690.00</td>
<td>750.00</td>
<td>-60.00</td>
<td>92.0%</td>
</tr>
<tr>
<td><strong>Total Sierra Business Conference</strong></td>
<td>0.00</td>
<td>17,000.00</td>
<td>-17,000.00</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>363,270.50</td>
<td>372,075.00</td>
<td>-8,804.50</td>
<td>97.63%</td>
</tr>
</tbody>
</table>
## Chamber of Commerce of Porterville
### Revenues & Expenses
#### November 2008 through October 2009

<table>
<thead>
<tr>
<th></th>
<th>Nov '08 - Oct 09</th>
<th>Budget</th>
<th>$ Over Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Expense</strong></td>
<td>360,942.59</td>
<td>351,125.00</td>
<td>9,817.59</td>
<td>102.8%</td>
</tr>
<tr>
<td><strong>Net Income</strong></td>
<td>2,327.51</td>
<td>20,950.00</td>
<td>-18,622.09</td>
<td>11.11%</td>
</tr>
</tbody>
</table>
SUBJECT:  APPROVAL FOR COMMUNITY CIVIC EVENT
WORLD OF VICTORY CHURCH – COMMUNITY OUTREACH
JUNE 19, 2010

SOURCE:  Finance Department

COMMENT:  The World of Victory Church is requesting approval to hold their annual
community outreach event. The event, with carnival games and live
music, will be held in their parking lot and in front of their church on ‘E’
Street, Saturday, June 19, 2010, from 2:00 p.m. to 8:00 p.m. They
have requested closure of ‘E’ Street from Orange Street to the end of
their church building. This application is submitted in accordance with
the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance
regulations and reviewed by all the departments involved. All
requirements are listed on the attached copy of the Application,
Agreement and Exhibit ‘A’ and Exhibit ‘B.’

RECOMMENDATION:  That the Council approve the Community Civic Event
Application and Agreement from the World of Victory
Church, subject to the Restrictions and Requirements
contained in the Application, Agreement, Exhibit ‘A’ and
Exhibit ‘B’ of the Community Civic Event Application.

ATTACHMENT:  Community Civic Event Application and Agreement,
Exhibit ‘A,’ Exhibit ‘B,’ Map, Outside Amplifier Permit and
Certificate of Liability Insurance.

D.D. Appropriated/Funded C.M.  Item No. 15
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website? Name of Event:

Application date: May 11, 2010 Event date: June 19th, 2010

Event time: 2PM - 8PM

Word of Victory Church Community Outreach

Sponsoring organization: Word of Victory Church Phone # SAME
Address: 163 W. Orange St.

Authorized representative: Jose A. Segura Phone # 782-1573

Address: 1184 W. Brown Ave

Event chairperson: Phone #

Location of event (location map must be attached):

Type of event: Church Community Outreach

Non-profit status determination: ON FILE

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

Barricades (quantity): 12 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):

Appr. Deny


Pub. Works Dir.

Comm. Dev. Dir.

Field Svcs. Mgr.

Fire Chief

Parks Dir.

Police Chief

Admin. Svcs. Dir.
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 Porterville 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 permitted, 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 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

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

[Signature]
[Name of Organization]
[Date]
2 of 4
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: Word of Victory Church Community Outreach
Sponsoring organization: Word of Victory Church
Location: 163 W. Orange St. Event date: 6-19-10 Event time: 2PM-8PM

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

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT:** All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
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: Word of Victory Church Community Outreach

Sponsoring organization: Word of Victory Church

Event date: 6-19-10  Hours: 2 PM - 8 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>&quot;E&quot; ST</td>
<td>Church Building</td>
<td>End of Church Building</td>
<td>Carnival</td>
</tr>
<tr>
<td></td>
<td>ORANGE</td>
<td>ORANGE</td>
<td>Type: Games</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>For Children Tent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(small prizes)</td>
<td>Require no Mech Equipment (ex ball)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Toss Ring Toss Bottles</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No Sides @ Carnival</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>From</td>
<td>To</td>
<td>Activity</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No Dunking Machine</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Live Christian Band</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No DJ</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No Vendors</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No Other Participants</td>
</tr>
<tr>
<td>Parking lots and spaces</td>
<td>Location</td>
<td>Activity</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Except for Church Members Bank</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Patrons of Community</td>
<td></td>
</tr>
</tbody>
</table>
## Requirements for Community Civic Event

**World of Victory Church**

**Community Christian Outreach**

**June 19, 2010**

<table>
<thead>
<tr>
<th>Role</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business License Supervisor:</td>
<td>S. Hartman</td>
</tr>
<tr>
<td></td>
<td>Business License has no requirements.</td>
</tr>
<tr>
<td>Public Works Director:</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td></td>
<td>Public Works asks that the sponsors provide general cleanup after their event.</td>
</tr>
<tr>
<td>Community Development Director:</td>
<td>B. Dunlap</td>
</tr>
<tr>
<td>Field Services Manager:</td>
<td>B. Styles</td>
</tr>
<tr>
<td></td>
<td>Barricades for street closure can be obtained and returned at 555 N. Prospect.</td>
</tr>
<tr>
<td>Fire Chief:</td>
<td>M.G. Garcia</td>
</tr>
<tr>
<td></td>
<td>Need to maintain at least ½ of 'E' Street open for emergency purpose and access.</td>
</tr>
<tr>
<td>Parks and Leisure Services Director:</td>
<td>J. Perrine</td>
</tr>
<tr>
<td>Police Captain:</td>
<td>S. Rodriguez</td>
</tr>
<tr>
<td></td>
<td>Some concern regarding lane closing on “E” Street, due to delays in emergency response and unsafe conditions. If approved, effective use of cones and/or barricades must be used to warn and keep motorists out. No consumption of alcohol is permitted. Upon completion of event, clean any debris or hazards that could negatively affect the flow of traffic. See Exhibit ‘B.’</td>
</tr>
<tr>
<td>Administrative Services Manager:</td>
<td>P. Hildreth</td>
</tr>
<tr>
<td></td>
<td>See attached Exhibit ‘A.’</td>
</tr>
</tbody>
</table>

**Exhibit “A,” Page 1**
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: World of Victory Church  
Event: Community Outreach  
Event Chairman: Angel Segura  
Location: World of Victory Church parking lot/front of church  
Date of Event: June 19, 2010  
Time of Event: 2:00 pm to 8:00 pm

RISK MANAGEMENT: Conditions of Approval

That the World of Victory Church provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $500,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, City of Porterville Redevelopment Agency and 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.
CITY OF PORTERVILLE
Community Civic Event Application

World of Victory Church Community Outreach- June 19, 2010

Proposed Conditions/Requirements for World of Victory Church Event

➤ City Council approval is required for all street closures.

➤ As “E” Street is the primary and direct route for use by residents in the new Apartment Complex on South “E” Street (Sequoia Village) and other residential areas on Date and River Streets, the Police Department does not recommend the closure of this street for this event. Although an alternative route could be used by residents, such a detour for emergency responders (police/fire/ambulance) could delay and increase their response time to a request for emergency services in this area.

➤ The Police Dept. does not recommend allowing closure of one-half of the street as proposed in the CCE application. Allowing closure of one-half of the street and allowing pedestrians to walk around on the other half creates a very unsafe condition. We believe this presents a significant hazard to participants and should not be permitted.

➤ Should the City Council approve the event and authorize the street closure, I make the following recommendations:

  ▪ The effective use of cones and/or barricades to properly warn motorists of the street closure and keep them out;
  ▪ There shall be no consumption of alcohol in the street or at this event.
  ▪ At the conclusion of the event, the barricades or cones shall be removed from the roadway and the roadway be shall be cleaned of any debris or hazards that could negatively affect traffic

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

EXHIBIT 'B'

PORTERVILLE POLICE DEPARTMENT MISSION STATEMENT
The members of the Porterville Police Department are committed to the safety and security of the community while providing quality service with excellence, honesty and integrity.
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: Jose A. Secura
   1184 W. Brown Ave., Porterville, Ca.

2 Address where amplification equipment is to be used: 163 W. Orange St, Porterville, Ca.

3 Names and addresses of all persons who will use or operate the amplification equipment: Rick Porterville
   Jose Frausto, Danby, CA
   Frank, Porterville

4 Type of event for which amplification equipment will be used: Church Community Outreach

5 Dates and hours of operation of amplification equipment: June 19, 2010 2 PM - 8 PM

6 A general description of the sound amplifying equipment to be used: Keyboard, Guitar, Bass, Drums

Section 18-9
It shall be unlawful for any person within the city to use or operate or cause to be used or operated 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 § 8311)

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 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 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 be 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

Date

5-11-10

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 REVOCAION OF THE PERMIT.

Signature of Police Captain

City of Porterville, Chief of Police/Designee

Date

MAY 13, 2010
# Certificate of Liability Insurance

**Producer:** Daniel Paul Sanchez  
916-613-2412  
P.O. Box 41437  
Sacramento, Ca 95841

**Insured:**  
Palabra De Victoria Church  
163 West Orange Avenue  
Porterville, Ca 93257

**Certificate Number:** 1176-500  
**Policy Effective Date:** 03/03/09  
**Policy Expiration Date:** 08/03/10

## 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 remain, 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>Type of Insurance</th>
<th>Policy Number</th>
<th>Policy Effective Date</th>
<th>Policy Expiration Date</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability</td>
<td>1176-500</td>
<td>03/03/09</td>
<td>08/03/10</td>
<td></td>
</tr>
<tr>
<td>Commercial General Liability</td>
<td></td>
<td></td>
<td></td>
<td>EACH OCCURRENCE $500,000</td>
</tr>
<tr>
<td>Claims Made</td>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO RENTED PREMISES (Per occurrence) $500,000</td>
</tr>
<tr>
<td>Occur</td>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one period) $1,000</td>
</tr>
<tr>
<td>General Aggregate</td>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADJ INJURY $500,000</td>
</tr>
<tr>
<td>Products &amp; Comprop Agg</td>
<td></td>
<td></td>
<td></td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

### Automobile Liability

- Any Auto
- All Owned Autos
- Scheduled Autos
- Hired Autos
- Non-Owned Autos

### Garbage Liability

- Any Auto

### Excess/Umbrella Liability

- Occur Claims Made
- Deductible
- Retention $  

### Workers Compensation

- WC Statutory
- E.L. Disease - EA Employee
- E.L. Disease - Policy Limit

### Description of Operations/Locations/Vehicles

The certificate holders shown below are named as additional insureds on 03/19/10, only, for church sponsored street event at 163 Orange Avenue and E Street in Porterville, Ca. Named insured will be having a bike give-away for the children in the neighborhood, along with booths set up with church information, along with small games (i.e. ball toss and bean bag toss). Church will be serving burgers. Church is expecting approximately 200 in attendance. 10 day notice given for non-payment of premium.

## Certificate Holder

The City of Porterville and  
The City of Porterville Redevelopment Agency  
291 North Main Street  
Porterville, Ca 93247

## 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:** Dan Sanchez / ____________

© 1988-2009 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD
IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

This Certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
SUBJECT: CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2010-2011 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES

SOURCE: City Manager

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

Staff recommends the budget study session be held on June 8, 2010 at 6:00 PM and the public hearing be set for the next regular council meeting on June 15, 2010.

RECOMMENDATION: That the City Council:

1. Schedule the Fiscal Year 2010-2011 budget study session on June 8, 2010 at 6:00 PM.

ATTACHMENTS: Preliminary Budget provided under separate cover.
SUBJECT: CONSIDERATION OF ESTABLISHING AN ARTS COMMISSION AS AN ADVISORY BODY TO THE CITY COUNCIL

SOURCE: City Manager

COMMENT: At its meeting on April 20th, Vice Mayor Ward had requested that the City Council consider authorizing the establishment of an Arts Commission as an advisory body to the Council. At the request of Vice Mayor Ward, and with the approval of the Council, the consideration of this matter was continued to the meeting on May 4th. With the appointment of Councilman Irish on May 4th, and to allow the Councilman the opportunity to review the proposal, this matter was continued to this meeting.

Over the previous several months, Vice Mayor Ward has been meeting with a number of interested members representative of the local cultural, visual, and performing arts community, for the purposes of discussing the need and purpose of such a Commission and how its formation might benefit the City. From the discussion at these meetings, Vice Mayor Ward has prepared draft guidelines toward the formation, purpose, and function of the Arts Commission, as well as prospective goals and objectives. With the Council’s approval, Vice Mayor Ward would be interested in having City staff produce a draft Ordinance and give first reading to the establishment of an Arts Commission by City Ordinance for the first Council meeting on June 15th, in an effort toward having the Commission become effective in the beginning of the new fiscal year.

To date, limited staff time and City resources have been required in this matter. In the proposed formation of the Arts Commission, the commitment of staff time and/or financial resources has not been defined, which is a component of the Council’s consideration of the subject.

RECOMMENDATION: That the City Council consider authorizing the establishment of an Arts Commission as an Advisory Body to the City Council

ATTACHMENT: Arts Commission Draft Guidelines

C.M. Item No. 17
CITY OF PORTERVILLE
PORTERVILLE ARTS COMMISSION
2010-2011 WORKPLAN

MISSION STATEMENT

The mission of the City of Porterville Arts Commission is:

- to foster the development and enjoyment of performing, visual, cultural and other arts in the City of Porterville
- to make recommendations to the City Council on the development and promotion of practices and policies pertaining to the Arts; and
- to work cooperatively with city entities and other advisory commissions to include an Arts element in as many areas of city planning and development as possible.

INTRODUCTION

“Arts” has been defined broadly and inclusively to encompass traditional arts including but not limited to visual, performing, musical and cultural arts, newer art forms (e.g., graphic arts), and the artistic element inherent in many human endeavors.

The City seeks to enhance the quality of life for residents and tourists alike through exposure to a wide variety of artistic visions, viewpoints, perspectives, sounds and voices, thus enhancing the identity of Porterville as a unique community. The Arts goals described in this document were developed to serve Porterville’s culturally diverse community with the intention that the initiatives be woven into the physical and social fabric of the City. The initiatives depend upon an expected and continual breadth of community input, close cooperation with other City entities, and involvement by artists and art professionals.

In developing the goals and objectives that make up this Workplan, the Commission was interested in assisting the City to integrate Arts objectives with its other primary objectives such as economic development, jobs, education, public safety, etc., with the ultimate goal being to build a unique, arts oriented city. The Commission will review the Workplan yearly and make recommendations to the City Council regarding changes, if necessary, to accomplish its goals.

COMPOSITION OF COMMISSION

The Commission is composed of seven (7) regular voting members and two (2) alternate members. There are four (4) seats that are assigned to four different areas of the arts: Theatrical, Visual/Graphic, Music and Youth. Each of the four seats are filled by appointments by sub-committees that represent all the organizations in the area under each specific area (ex., all of the music organizations in the City have a representative on a subcommittee that appoints a representative to fill the “Music Seat” on the Commission. This appointment would last for one (1) year. The “Youth Arts Committee” functioning under the direction of the Youth Commission is comprised of representatives from all the High Schools and Porterville College. Each High School and Porterville College are responsible for sending three representatives (one from each area of the arts) to participate on the subcommittee. The other three open seats as well as the two alternate members are appointed by the City Council with a defined application process in
place. The four “subcommittee” appointed members have to be approved by the City Council, however, the City Council does not select these members. The terms of the open regular member is three years, staggered to ensure that not all expire at the same time. The standard term for the alternate members is two years.

The Arts Commission meets the fourth Thursday of the month at 5:30pm in the City Council Chambers.

ARTS COMMISSION GOALS AND OBJECTIVES

Assist the City Council and the Community of Porterville in:

Linking the City's Arts strategy with public and private sector business and job recruitment programs and with the City's tourism strategies to expand arts opportunities and programming to increase the economic impact and quality of life.

- Cultural Tourism
- Creative industries and jobs
- Construction of facilities
- Community redevelopment
- More desirable place to live
- Better quality of life

Increasing collaboration, coordination and communication among Arts and Arts-related groups and other stakeholders, and the promotion of all Arts and Arts-related initiatives, events and projects.

- Management
- Grants
- Audience development
- Funding
- Facilities
- New program development
- Marketing
- Community engagement (ethnic, region, age, socio-class, under-served segments)
- Promote partnerships (government, businesses, environment, cultural exchanges, schools, nonprofits, arts organizations, and police department)

Facilitating partnerships between schools and the community

- Recycled art projects with schools, artists, and waste haulers
- Teacher/artist development
- Facilitating partnerships to bring artist to schools
- Research and apply for grants for school/community partnerships
- Advocate for arts school (magnet school)
- Create an award for student artists
- Facilitate compliance with standards
- Private/charter/home schools
- Create opportunities to build bridges between City and schools (recognition, etc.)
Enhancing communication, marketing, and raising awareness of the arts in the community and the surrounding areas

- Create events
- Expand City’s website
- Monthly or quarterly arts publication
- Build relationship with all media outlets in the Tulare County and beyond.
- Promote awareness of the arts in the community by establishing a means to collect copy for media outlets for distribution of news about arts in the schools. (Note: Parents want news about the schools’ bands and color guards, theater productions, choral groups, etc. The media does not seem to highlight these events and achievements. If made available for them without charge, they may disseminate.)
- Utilize neighborhood groups to promote arts events and programs.
- Create awards programs and contests.

Create Arts and Cultural Events to Involve Participation of all Schools

- Work in partnership with local schools for student exhibits and performances.
- Develop a program to include poetry readings, art and photography exhibits, etc.

Developing Arts Education Programs

- Create new partnerships with the local colleges to bring art out into the community and provide arts students with new audiences to enhance their education.
- Work with the Tulare County Sheriff’s Department and the Porterville Police Department to develop arts education programs for at-risk and incarcerated youth.
- Facilitate meetings with artists and teachers to share information and ideas for incorporating art into the curriculum.
- Promote training opportunities for teachers that might be co-sponsored by schools through staff development and by the City or a future foundation.

Developing and Conducting a Community and Area Needs Assessments

- Conduct a survey of residents to determine current levels of interest and desire for various art forms, as well as best options for outreach to the community regarding the arts in our City and the 65 corridor.
- Convene a symposium for artists, educators, businesses, and the public to include panel discussions, performances, and training for artist, arts organizations. Solicit information and feedback.

Developing Working Relationships with Other Agencies (Local, County, State, & National) to Improve Programs and Identify Funding Opportunities

- Select commission members to serve as liaisons to the Tulare County Arts Commission (if there is one), the California Arts Council, and local arts agencies in other municipalities for the purpose of exploring programs and funding opportunities.
- Establish liaison to school districts to develop new options for arts in education.
- Identify local, regional, state and federal money available for the arts and make that information available on the City’s Arts Commission website.
- Develop partnerships with local nonprofit organizations.
Creating Creative Partnerships with Local Businesses
- Private Schools
- Home Schooling (make information available on the website for home school groups seeking art instructors).
- Work with artists/arts organizations and local businesses to develop art sponsorships or opportunities for cross-promotional activities.
- Promote partnerships that will further the development of professional caliber arts groups and assist in their outreach to the community.

Enhancing and Maintaining Current and Future Public Art and Projects
- Develop standards, policies and procedures for public art proposals.
- Identify potential sites for public art projects.
- Advise and recommend on the development, policies, guidelines, and implementation of an Art in Public Places Program.
- Develop strategies for maintenance of public art projects.
- Develop a recommendation for a Percent for Arts Program.

Identifying and Developing Current and Future Art Facilities
- Identify existing local venues available for performance and exhibit space.
- Develop a directory of venues, available online, which includes pertinent information including size, amenities, costs, requirements, contact person.
- Encourage the provision of cultural and artistic facilities and features in public and commercial construction.
- Develop plans for a multi-faceted Cultural Arts Center.

Funding and Resource Opportunities
- Identify additional grant opportunities.
- Assist in building local partnerships for collaborative projects.
- Provide and obtain statements of support for grant requests.
- Advise and facilitate capacity-building efforts of local arts nonprofit groups.
- Work with City Council and businesses to develop an Arts Foundation to develop funding for a Cultural Arts Center.

Expanding Multi-Cultural Awareness and Community Connectivity through the Arts
- Create individual cultural events and an annual multi-cultural event, such as an ethnic foods fair, dancing, art, crafts, and other performances.
- Develop support for the creation of community-based groups for activities such as folk dancing or a “Senior Symphony” composed of senior citizen musicians.

Developing a Vision of Strategic and Long-term and Action Planning
- Develop a three-to-five year strategic plan.
- Set objectives and priorities.
- Develop specific programs.
- Investigate the potential for arts partnerships in non-arts sectors.
- Investigate the potential for creating a nonprofit foundation to further financial goals.
- Seek opportunities to involve and engage the public in arts events and promote arts education beyond schools.
AGENDA: June 1, 2010

JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT: JOINT PUBLIC HEARING ON THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – REDEVELOPMENT

COMMENT: Background – In order to more effectively carry out its projects and programs and improve and alleviate the economic and physical conditions of blight within the community, the Porterville Redevelopment Agency (the “Agency”) is proposing adoption of an amendment (the “2010 Amendment”) to the Redevelopment Plan (the “Plan”) for the Porterville Redevelopment Project No. 1 (the “Project” or “Existing Project Area”), as previously amended in 1994 and 2004, pursuant to the provisions of the California Community Redevelopment Law (the “CCRL”; Health and Safety Code Section 33000 et seq.). The purposes of the 2010 Amendment are to i) add territory (the “Added Territory”) to the Existing Project Area, thereby creating the “Amended Plan” and the “Amended Project Area”; ii) reinstate limited Agency eminent domain authority specific to the Existing Project Area; and iii) modify the Plan’s projects and programs list specific to the Existing Project Area, as appropriate and necessary.

Adoption of the 2010 Amendment would enable the Agency to implement projects and programs designed to: upgrade public facilities and infrastructure, promote and facilitate community development and job growth, and provide additional affordable housing opportunities within the limits of the Amended Project Area specifically and, as may be permissible, in other areas of the City of Porterville.

The formal redevelopment plan amendment process commenced on August 5, 2008, when the City Council adopted a redevelopment survey area which included much of the City of Porterville as well as a portion of unincorporated East Porterville. On April 7, 2009, the City Council approved an expansion of the previously adopted redevelopment survey area to include additional unincorporated areas. On April 7, 2009, the City Council, acting as the City’s Planning Commission, also adopted a Preliminary Plan for the 2010 Amendment which included preliminary boundaries of the Added Territory. On October 20, 2009, the City Council, acting as the Planning Commission, modified the preliminary boundaries of the Added Territory to remove unincorporated County areas from further consideration as a result of ongoing discussions with Tulare County officials. Subsequently, the Agency distributed a Unified Report to affected taxing agencies and the State Departments of Housing and Community Development and Finance for their review and comment pursuant to CCRL.
Sections 33344.5 and 33451.5. On April 6, 2010, the City Council, acting as the City’s Planning Commission, reviewed the proposed Amended Plan and the Draft Environmental Impact Report prepared for the 2010 Amendment and found that the Amended Plan conforms with the City’s General Plan and recommended its approval to the City Council. Throughout the process, the City Council and Agency Board have reviewed and adopted other documents required by the redevelopment plan amendment process.

The joint public hearing being held this evening is the culmination of the above described process.

**Budget Impact** - None at this time. If the 2010 Amendment is ultimately approved, the Added Territory is anticipated to raise millions of dollars for eligible Agency projects and initiatives. The Agency’s advisors have projected the 2010 Amendment could generate as much as $108 million in net tax increment revenues (net of “pass throughs” to affected taxing entities) to the Agency over the 45-year term during which the Agency would be eligible to collect such revenues.

**DISCUSSION:** As part of the joint public hearing, the Agency has distributed to each City Council/Agency Board member a compact disc (CD) containing an electronic copy of the Joint Public Hearing Evidentiary Record (the "Record") on May 27, 2010, along with the agenda packet prepared for this evening’s meeting. The Record includes, among other items, the Amended Plan, the Final Program Environmental Impact Report prepared for the 2010 Amendment (the "FEIR"), and the Agency's Report to the City Council on the 2010 Amendment (the "Report to Council"), related resolutions, and the adopting City Ordinance. The contents of the Record are summarized in the following paragraphs.

**Tab 1 — Joint Public Hearing Procedures:**

The Joint Public Hearing Procedures outline Agency and City Council procedures and actions necessary for approval and adoption of the 2010 Amendment. Assuming the Ordinance which adopts the 2010 Amendment becomes “effective” on or before August 20, 2010, the Agency will be able to establish FY 2009-2010 as the base year for tax increment collection purposes in the Added Territory.

**Tab 2 — Amended and Restated Redevelopment Plan for the Porterville Redevelopment Project Area No. 1:**

Similar to the Plan, as previously amended, the Amended Plan sets forth basic Agency authority and provides a general statement of redevelopment objectives and techniques; the Amended Plan does not prescribe a detailed, rigid course of sequential actions to achieve those objectives. The primary goal of the Amended Plan is to help the Agency further its efforts to revitalize
the Amended Project Area under CCRL authority. The Amended Plan would not authorize the use of eminent domain by the Agency to acquire property on which any persons reside. The Amended Plan, which would be effective within the Added Territory for 30 years from its adoption, may be amended pursuant to procedures codified under the CCRL. Once adopted, the Amended Plan would provide the Agency with the legal framework and authority to, among other actions, collect tax increment from properties within the Added Territory to be used by the Agency to assist in the planning and implementation of redevelopment projects.

Tab 3 — Final Program Environmental Impact Report:

The preparation and distribution of the FEIR has been completed in accordance with the California Environmental Quality Act, commonly referred to as "CEQA". This document was prepared as part of the redevelopment plan-amendment process based on the findings contained in the Initial Study/Environmental Checklist prepared for the 2010 Amendment (and contained in Appendix A of the FEIR).

The FEIR contains two sections in addition to the content of the Draft EIR that was circulated for a 45-day review period to affected taxing entities, environmental entities, and other interested parties, which review period ended April 29, 2010. Section 9.0 contains comments received on the Draft EIR, and Section 10.0 contains the Agency's responses to those comments.

Tab 4 — Agency’s Report to the City Council:

The Report to Council summarizes the deficient physical and economic conditions presently existing within the Amended Project Area. While the Agency's Report to Council summarizes the physical and economic deficiencies, as defined by the CCRL, which are present in the Amended Project Area, not every property is deficient; the CCRL does not require that every property contain deficiencies, but, requires that there is a predominance of physical and economic deficiencies throughout the area to be redeveloped. As described in the Report to Council, properties that do not display such conditions are generally, to some degree, negatively affected by the deficiencies in adjacent properties or by a lack of public facilities, utilities, or infrastructure.

Tab 5 — Planning Commission Report on the Amended Plan's Conformity with the City's General Plan:

Tab 5 of the Record contains the Planning Commission's report and recommendation. In this report, the City Council, acting as the Planning Commission, found that the Amended Plan was in conformance with the City’s General Plan and recommended that the Agency approve, and City
Council adopt, the Amended Plan. Once adopted, the Amended Plan will help the City to implement General Plan goals, objectives and policies within the Amended Project Area.

Tab 6A — Information Transmitted to Property Owners and Tenants, Community Workshops Presentation, and Affidavits:

Tab 6A of the Record contains information transmitted to all affected persons and/or entities in accordance with the CCRL as well as information presented to community members in attendance at three community workshops held by the Agency at the Porterville Public Library on May 11th, 19th, and 26th, 2010.

Tab 6B — Information Transmitted to Affected Taxing and Responsible Environmental Agencies:

Tab 6B of the Record contains information transmitted to all affected taxing entities and responsible environmental agencies in accordance with the CCRL and CEQA. Agency staff and consultants have consulted with affected taxing entities as required by the CCRL. This section includes samples of all notices, documents and related materials transmitted by the Agency to affected taxing agencies and responsible environmental agencies. The 2010 Amendment proposes to add new territory to the Existing Project Area; therefore, the CCRL requires the Agency to pay specified amounts of money, based upon the amount of tax increment the Agency receives, to each affected taxing agency pursuant to the formula specified in the CCRL. As of the date this staff report was drafted, the Agency has received no comments from any of the affected taxing agencies.

Tab 6C — Attachments to Transmittals to the Property Owners, Residents and Business Tenants, and Affected Taxing and Responsible Environmental Agencies:

Tab 6C of the Record contains various documents which were included as attachments to the Agency transmittals included within Tabs 6A and 6B.

Tab 7 — Agency Resolution Re-adopting Existing Owners, Businesses and Tenants Participation and Re-entry Rules and Relocation Guidelines:

Tab 7 contains the Agency's resolution adopting the Owners, Business and Tenants Participation and Re-Entry Rules (the "Rules") and Relocation Guidelines (the "Guidelines") for application within the Added Territory, as well as a copy of the Rules and Guidelines. The Rules and Guidelines were previously adopted by the Agency in accordance with CCRL Section 33345 and Section 33339.5, respectively for the Existing Project Area.
Tab 8 — Agency Resolution Approving the Report to the City Council and Transmitting Said Report and the Amended Plan to the City Council:

This section contains the Agency resolution approving its Report to the City Council (see Tab 4 above for further discussion on the Report to Council) and authorizing the transmittal of the Report to Council and the Amended Plan to the City Council for that body's subsequent action. The basis for the Report to Council is the Agency's Unified Report, which was transmitted to each affected taxing entity not less than 90 days prior to the joint public hearing, and made available for public review. Staff recommends that the Resolution included in Tab 8 be approved by the Agency Board and that such action be taken before the joint public hearing is opened.

Tabs 9A through 9G — i) Agency Resolution Making Findings Supporting the Inclusion of Certain Parcels of Land Which Are In Agricultural Use Within the Amended Project Area, ii) Agency and City Council Resolutions Finding That Use of LMI Housing Funds Outside the Amended Project Area Benefits the Amended Project Area, iii) Agency and City Council Resolutions Approving and Certifying the FEIR, iv) Agency Resolution Approving the 2010 Amendment, and v) Other Previously Adopted Resolutions Related to the 2010 Amendment:

This section of the Record contains the Agency Resolution approving the inclusion of certain parcels of land within the Amended Project Area which are currently in agricultural use. These parcels are more fully described in Section 7 of the Report to Council.

Also this section contains Agency and City Council resolutions approving the Agency's use of Low and Moderate Income ("LMI") Housing Funds outside the Amended Project Area, inasmuch as the use of these monies can be found to be of benefit to the Added Territory and the larger Amended Project Area. In addition, this section contains the Agency and City Council resolutions certifying the previously described FEIR which was prepared for the 2010 Amendment.

The Agency resolution approving the 2010 Amendment and recommending that the City Council approve and adopt the 2010 Amendment is also contained under Tab 9, Section D.

Finally, this section contains those resolutions adopted by the Agency, City Council and Planning Commission throughout the redevelopment plan amendment process not included in other parts of the Record.
Tab 10 — City Council Ordinance Approving and Adopting the 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1:

Tab 10 of the Record is the Ordinance that approves and adopts the 2010 Amendment. Prior to introducing the Ordinance adopting the 2010 Amendment, the City Council must respond in writing to any written objections received prior to or at the Joint Public Hearing. If written objections to the 2010 Amendment are received, the Joint Public Hearing should be closed and consideration of the various resolutions contained in Tab 9 should be postponed to the next meeting to allow time for staff and advisors to prepare written responses for the City Council’s consideration and adoption. If no written objections are received, the City Council, if it so desires, may introduce the Ordinance for the first reading.

RECOMMENDATION: Open and conduct the joint public hearing pursuant to the Joint Public Hearing Procedures contained under Tab 1 of the Record and consider and adopt all Resolutions and the Ordinance as appropriate.

Agency Board Actions:

1. Adopt a Draft Resolution of the Porterville Redevelopment Agency Approving its Report to the City Council Concerning the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Authorizing Transmittal of Said Report and the Amended Plan to the City Council of the City of Porterville (As described in the Joint Public Hearing Procedures, this action should be taken prior to opening of the joint public hearing.);

2. Adopt a Draft Resolution of the Porterville Redevelopment Agency Making and Approving Findings Supporting the Inclusion of Certain Parcels of Land Which Are in Agricultural Use Within the Porterville Redevelopment Project No. 1, as Proposed to be Amended by the 2010 Amendment;

3. Adopt a Draft Resolution of the Porterville Redevelopment Agency Finding and Determining that the Use of Taxes Allocated from the Territory Proposed to be Added to the Porterville Redevelopment Project No. 1 by the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1, for the Purpose of Providing Affordable Housing Outside the Amended Project Area, Will be of Benefit to the Added Territory and the Overall Redevelopment Project;
4. Adopt a Draft Resolution of the Porterville Redevelopment Agency Certifying the Final Program Environmental Impact Report for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1; Making Written Findings Pursuant to the California Environmental Quality Act; Adopting a Statement of Overriding Considerations; and Adopting a Mitigation Monitoring Program; and

5. Adopt a Draft Resolution of the Porterville Redevelopment Agency Approving the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and Recommending the City of Porterville City Council Approve Said Amendment.

City Council Actions:

1. Adopt a Draft Resolution of the City Council of the City of Porterville Finding and Determining that the Use of Taxes Allocated from the Territory Proposed to be Added to the Porterville Redevelopment Project No. 1 by the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1, for the Purpose of Providing Affordable Housing Outside the Amended Project Area, Will be of Benefit to the Added Territory and the Overall Redevelopment Project;

2. Adopt a Draft Resolution of the City Council of the City of Porterville Certifying the Final Program Environmental Impact Report for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1; Making Written Findings Pursuant to the California Environmental Quality Act; Adopting a Statement of Overriding Considerations; and Adopting a Mitigation Monitoring Program; and

3. Unless written objections are received, approve the proposed Ordinance of the City Council of the City of Porterville Approving and Adopting the 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1 and give first reading of the draft Ordinance; and

4. Waive further reading of the draft Ordinance, approve Ordinance and order to print.
RESOLUTION NO._____ 
A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING ITS REPORT TO THE CITY COUNCIL CONCERNING THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1 AND AUTHORIZING TRANSMITTAL OF SAID REPORT AND THE AMENDED PLAN TO THE CITY COUNCIL OF THE CITY OF PORTERVILLE

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

WHEREAS, the City Council subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency's establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the "Amended Plan"; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan's projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, CCRL Section 33457.1 provides that to the extent warranted by a proposed amendment to a redevelopment plan, the reports and information required by CCRL Section 33352 shall be prepared and made available to the public prior to the hearing on the amendment; and

WHEREAS, the Agency has caused to be prepared and has reviewed its Report to the City Council (the "Report to Council") on the 2010 Amendment in accordance with the requirements of CCRL Sections 33457.1 and 33352; and

WHEREAS, the Report to Council and other materials contained in the official evidentiary record (the "Record") prepared for the 2010 Amendment have been previously submitted to and reviewed by the members of the governing board of the Agency.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE PORTERVILLE REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:
Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The 2010 Amendment, inclusive of the Agency's Report to Council, is on file in the City Clerk's Office, 291 North Main Street, Porterville, CA 93257, and is available for public inspection and is incorporated herein by this reference.

Section 3. The Agency hereby approves the Report to Council and authorizes and directs the Executive Director of the Agency to transmit the Record, including the 2010 Amendment and the Agency's Report to Council, to the City Council.

Section 4. The Agency Secretary shall certify to the passage and adoption of this Resolution, and it shall thereupon take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the ___ day of June, 2010.

__________________________________________
Brian Ward
Vice Chairman, Porterville Redevelopment Agency

ATTEST:

__________________________________________
John D. Lollis
Secretary, Porterville Redevelopment Agency
RESOLUTION NO. _______

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY MAKING AND APPROVING FINDINGS SUPPORTING THE INCLUSION OF CERTAIN PARCELS OF LAND WHICH ARE IN AGRICULTURAL USE WITHIN THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1, AS PROPOSED TO BE AMENDED BY THE 2010 AMENDMENT

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

WHEREAS, the Agency subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency's establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the "Amended Plan" and the "Amended Project Area"; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan's projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, there are two parcels of land within the Added Territory which exceed two acres in size and which are currently in agricultural use (hereafter referred to as the "Agricultural Parcels") as that term is defined in CCRL Section 33321.5(c)(1) and California Government Code Section 51201(b); and

WHEREAS, the Agricultural Parcels are identified on the map attached to this Resolution as Attachment "A" which, by this reference, is made a part hereof; and

WHEREAS, neither Agricultural Parcel is enforceably restricted as defined in CCRL Section 33321.5(c)(2); and

WHEREAS, the Agency is required to make certain findings, based upon substantial evidence in the record, in order to include the Agricultural Parcels within the Added Territory; and
WHEREAS, the Agency has before it evidence and testimony regarding the 2010 Amendment and the Added Territory, including, without limitation, Section 7 of the Agency's Report to the City Council for the 2010 Amendment (the "Report to Council"), which includes substantial evidence to support the findings contained in Attachment "B" of this Resolution.

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

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

Section 2. The Agency hereby approves and adopts the following findings, based on substantial evidence set forth and discussed in Section 7 of the Report to Council approved by the Agency on June 1, 2010, which evidence and discussion is incorporated herein by this reference and is attached hereto as Attachment "B". As is shown in the Report to Council and in Attachment "B" hereto, with regard to the Agricultural Parcels:

1) Their inclusion is consistent with the purposes of Redevelopment Law;

2) Their inclusion will not cause the removal of adjacent agricultural land that is designated for agricultural use in the City's General Plan from agricultural use;

3) Their inclusion is consistent with the City's General Plan;

4) Their inclusion will result in a more contiguous pattern of development;

5) There is no proximate land that is not in agricultural use that is both available and suitable for inclusion that is not already in the Existing Project Area or proposed to be included in the Added Territory.

Section 3. The Agency secretary shall certify to the passage and adoption of this Resolution and it shall thereupon take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the ___ day of June, 2010.

__________________________
Brian Ward
Vice Chairman, Porterville Redevelopment Agency

ATTEST:

__________________________
John D. Lollis
Secretary, Porterville Redevelopment Agency
ATTACHMENT A
ATTACHMENT B
ATTACHMENT "B"

FINDINGS RELATING TO THE CONDITION OF LAND IN AGRICULTURAL USE IN THE TERRITORY PROPOSED TO BE ADDED TO THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1 BY THE 2010 AMENDMENT TO THE REDEVELOPMENT PLAN

Capitalized terms used but not defined in this Attachment "B" shall have the meanings given in the resolution (the "Resolution") to which this Attachment "B" is attached and made a part, or to the definitions found in Section 1.1 of the Report to Council.

As further provided in the Resolution, the findings set forth below in this Attachment "B" are each expressly approved and adopted by the Agency and incorporated into the Resolution.

As shown on Attachment “A”, Agricultural Parcel Map, to the Resolution, there are two Agricultural Parcels located in the Added Territory. These Agricultural Parcels have been included in the Added Territory for the following reasons:

1. Their Inclusion Is Consistent with the Purposes of Redevelopment Law

   The purposes of redevelopment law, in general, are the eradication of blight and provision of housing for persons and families of low and moderate income. Inasmuch as blight is both physical and economic, redevelopment agencies may fulfill the purposes of redevelopment law in a variety of ways such as job creation, infrastructure improvements, provision of affordable housing, and land assembly and re-subdivision. The two Agricultural Parcels are designated by the General Plan for residential and commercial development (Retail Commercial and Medium Density Residential); therefore, their inclusion within the Amended Project Area and development in accordance with the General Plan is expected to result in new housing and employment opportunities within the Amended Project Area and greater community. CCRL Section 33071 states the provision of expanded housing opportunities, including the “supply of low- and moderate-income housing” for the residents of the City, and the expansion of employment opportunities for jobless, underemployed, and low-income persons are fundamental purposes of redevelopment law; therefore, the inclusion of the Agricultural Parcels within the Amended Project Area is consistent with the purposes of the CCRL.

2. Their Inclusion Will Not Cause the Removal of Adjacent Agricultural Land From Agricultural Use

   None of the parcels adjacent to the Agricultural Parcels are currently in agricultural production; therefore, the inclusion of the Agricultural Parcels within the Amended Project Area will not cause the removal of adjacent agricultural land from agricultural use.
3. **Their Inclusion Is Consistent with the City's General Plan**

   On April 6, 2010, the Planning Commission, by its Resolution No. 38-2010 determined that the Amended Plan conforms to the General Plan. The General Plan land use designations of the Agricultural Parcels have been addressed in the discussion for Section 1 above.

4. **Their Inclusion Will Result in a More Contiguous Pattern of Development**

   The inclusion of the Agricultural Parcels in the Amended Project Area is important to the ultimate development of the Amended Project Area because the Amended Project Area's General Plan land use designations anticipate urban development. There will continue to be pressure for urban development to occur within the Agricultural Parcels, and without the power and authority provided by redevelopment such development may be sporadic and would tend to be wasteful of City services and the provision of urban infrastructure.

5. **There Is No Proximate Land That Is Not Agricultural That Is Both Available and Suitable for Inclusion That Is Not Already in the Proposed Amended Project Area**

   All suitable and available land proximate to the Agricultural Parcels which is not in agricultural use is proposed to be included within the Added Territory or has already been included within the Existing Project Area. Therefore, there is no such proximate land.
RESOLUTION NO. ______

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY FINDING AND DETERMINING THAT THE USE OF TAXES ALLOCATED FROM THE TERRITORY PROPOSED TO BE ADDED TO THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1 BY THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1, FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING OUTSIDE THE AMENDED PROJECT AREA, WILL BE OF BENEFIT TO THE ADDED TERRITORY AND THE OVERALL REDEVELOPMENT PROJECT

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

WHEREAS, the City Council subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency’s establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the "Amended Plan" and the "Amended Project Area"; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan’s projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, the Amended Plan would provide for the allocation of taxes from the Added Territory to the Agency pursuant to CCRL Section 33670(b); and

WHEREAS, CCRL Section 33334.2 requires that not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to CCRL Section 33670 be used by the Agency for purposes of increasing, improving and preserving the community’s supply of low- and moderate-income housing available at an affordable housing cost (the “Low and Moderate Income Housing Fund”); and

WHEREAS, pursuant to Sections 33334.2 and 33487 of the CCRL, the State Legislature has declared its intent that the Low and Moderate Income Housing Fund shall be used to improve, preserve, and increase housing in the community available at affordable costs to households of limited income; and
WHEREAS, subsection (g) of CCRL Section 33334.2 authorizes the Agency to use monies from the Low and Moderate Income Housing Fund inside or outside the Amended Project Area, but the Agency may only use the funds outside the Amended Project Area upon resolutions of the Agency and the City Council finding that such use will be of benefit to the Amended Project Area; and

WHEREAS, under said subsection (g) of CCRL Section 33334.2 the State Legislature declares that the provision of replacement housing pursuant to CCRL Section 33413 is always of benefit to a redevelopment project area; and

WHEREAS, the Agency desires by this Resolution to declare that the expenditure of monies from the Low and Moderate Income Housing Fund outside the Amended Project Area for purposes authorized under the CCRL are and will be of benefit to the Amended Project Area.

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 a substantive part of this Resolution.

Section 2. The Agency hereby finds, determines, and declares that the expenditure of monies from the Low and Moderate Income Housing Fund outside the Amended Project Area for purposes authorized under the CCRL are and will be of benefit to the Amended Project Area.

Section 3. The Agency is authorized to expend monies from the Low and Moderate Income Housing Fund for said authorized purposes under the CCRL.

Section 4. The Agency Secretary shall certify to the passage and adoption of this Resolution, whereupon it shall take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the ___ day of June, 2010.

______________________________
Brian Ward
Vice Chairman, Porterville Redevelopment Agency

ATTEST:

______________________________
John D. Lollis
Secretary, Porterville Redevelopment Agency
RESOLUTION NO. __________

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1; MAKING WRITTEN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING PROGRAM

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

WHEREAS, the City Council subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency's establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the "Amended Plan" and the "Amended Project Area"; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan's projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, the above recited Ordinances, including the findings and determinations made by the City Council therein, are made part hereof by reference, and are final and conclusive, there having been no action timely brought to question the validity of said redevelopment plan adoption and amendments; and

WHEREAS, the 2010 Amendment has been prepared in accordance with the provisions of the CCRL; and

WHEREAS, the Agency caused an Initial Study to be prepared to evaluate the potential for adverse environmental impacts to occur as a result of the adoption and implementation of the 2010 Amendment, concluding that a Program Environmental Impact Report (EIR) would be prepared for the 2010 Amendment, and the Initial Study with a Notice of Preparation was mailed to the State Clearinghouse, responsible and trustee agencies and other interested parties; and
WHEREAS, the Initial Study concluded that implementation of the Amended Plan would have less than significant or no impacts in the following categories: Aesthetics, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Traffic/Transportation, and Utilities/Service Systems within the Amended Project Area; and

WHEREAS, the Agency, authorized as a "lead agency," prepared a Draft EIR (DEIR) for the adoption of the 2010 Amendment pursuant to the California Environmental Quality Act (the "CEQA Statutes"; Public Resources Code Section 21000 et seq.), and the State Guidelines for Implementation of the California Environmental Quality Act (the "CEQA Guidelines"; Title 14, California Code of Regulations, Section 15000 et seq.; hereinafter, the CEQA Statutes and CEQA Guidelines are collectively referred to as “CEQA”), which DEIR is on file with the City Clerk; 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, on April 6, 2010, after reviewing the DEIR in accordance with CEQA Guidelines Section 15025(c), the Porterville Planning Commission (the "Planning Commission"), pursuant to its Resolution No. 38-2010 adopted on April 6, 2010, approved and forwarded to the City Council a report finding that the Amended Plan conforms with the City's General Plan, approved the 2010 Amendment as proposed, and recommended approval and adoption of the 2010 Amendment to the Agency and City Council; and

WHEREAS, all actions required to be taken by applicable law related to the preparation, circulation and review of the DEIR have been taken; and

WHEREAS, public notice having been duly and regularly given, as required by law, a full and fair joint public hearing has been held by the Agency and the City Council concerning the adoption of the 2010 Amendment and approval of the Final EIR (FEIR) related thereto, and all interested persons expressing a desire to comment thereon, or object thereto, have been heard; and

WHEREAS, the FEIR consists of the DEIR, as revised and supplemented to incorporate all comments received during the public review period, if any, and the responses of the Agency to any such comments, and the Mitigation Monitoring Program; and

WHEREAS, copies of all documents and the record of proceedings related to the FEIR are on file in the Agency offices, 291 North Main Street, Porterville, California, and the FEIR is on file in the offices of the City Clerk, and all such documents are available for public inspection; and

WHEREAS, the Agency, as lead agency, has reviewed and considered the FEIR and the Mitigation Monitoring Program prepared for the 2010 Amendment, and all comments and responses thereto.
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 a substantive part of this Resolution.

Section 2. A DEIR was prepared to evaluate the potential adverse environmental impacts of the 2010 Amendment and to incorporate previously prepared CEQA analyses, as applicable. It was circulated for a 45-day public review and comment period pursuant to CEQA requirements. The FEIR, which includes written comments, if any, and responses to said comments, was prepared and made available for public inspection at the office of the City Clerk prior to the joint public hearing on the 2010 Amendment and the FEIR. The FEIR, including comments, responses, and a proposed Mitigation Monitoring Program, makes minor corrections to the DEIR, and incorporates the DEIR and appendices to the DEIR.

Section 3. The Agency hereby certifies that the FEIR was completed in compliance with CEQA; certifies that the FEIR was presented to the Agency and the Agency has reviewed and considered the FEIR and the information contained therein prior to deciding whether to approve the 2010 Amendment; specifies that the FEIR for the 2010 Amendment constitutes a "Program EIR" for purposes of CEQA Statutes, Section 21090(a); and finds that the FEIR reflects the independent judgment and analysis of the Agency. The Agency further finds that the public comments and responses, if any, to the DEIR following the public comment period do not constitute significant new information as defined in CEQA Statutes Section 21092.1 and in CEQA Guidelines Section 15088.5.

Section 4. The City Council and Agency held a duly noticed joint public hearing on the 2010 Amendment and FEIR on June 1, 2010. All interested persons had the opportunity to present both written and oral comments regarding the 2010 Amendment and the FEIR at the hearing. The Agency has considered all comments received on the DEIR, which comments and responses thereto are contained in the FEIR. These actions having been taken, the FEIR is hereby approved, certified and adopted as the Final Environmental Impact Report for the 2010 Amendment and incorporated herein by reference.

Section 5. The findings made in this Resolution are based upon the information and evidence set forth in the FEIR and upon other substantial evidence in the record of the proceedings on the 2010 Amendment and the FEIR, which include, among other things, the City of Porterville General Plan and the Porterville zoning regulations. The documents, staff reports, plans, specifications, technical studies, and other relevant materials, including, without limitation, the FEIR, that constitute the record of proceedings on which this Resolution is based are on file and available for public examination during normal business hours in the Agency offices, 291 North Main Street, Porterville, California. Additionally, the FEIR is on file and available for public examination during normal business hours in the office of the City Clerk, City of Porterville, 291 North Main Street, Porterville, California. The custodian of the FEIR is the City Clerk of the City.

Section 6. Based upon the Initial Study, the DEIR, the public comments, if any, and responses thereto, the FEIR and the record before the Agency, the Agency finds that the

Section 7. Based on the Initial Study, the DEIR, the public comments, if any, and responses thereto, the FEIR, and the record before the Agency, the Agency hereby makes and adopts the CEQA Findings and Statement of Facts as set forth in Exhibit A, attached hereto and incorporated herein by reference. Without limiting the generality of the foregoing sentence, the Agency hereby expressly approves and adopts each of the mitigation measures set forth in the attached Exhibit A, and hereby requires that such mitigation measures shall be implemented in connection with, and are hereby made a part of the Amended Plan. In addition, the Agency acknowledges that it will consider the recommendations contained in the FEIR as it implements specific projects.

Section 8. Based on the foregoing, the Agency hereby finds that the Amended Plan may create significant impacts in the areas of Agricultural Resources, Air Quality and Biological Resources. Based on such Findings of Fact and the foregoing adoption and requirement for mitigation measures, which are contained in Exhibit A and incorporated herein by reference, the Agency hereby finds that mitigation measures have been required in, or incorporated into, the Amended Plan which will eliminate or reduce to a level of insignificance, the potentially significant environmental effects of the Amended Plan identified in the FEIR, except for impacts to Air Quality, as fully described in Section 2.3 of the FEIR. With regard to the impacts in Section 2.3, the Agency finds and determines that implementation of the Amended Plan will have a significant environmental effect on Air Quality, which cannot be mitigated to a level of insignificance.

Section 9. Based on the foregoing, as to the significant impacts to Air Quality, which are not eliminated or substantially lessened, the Agency hereby adopts the Statement of Overriding Considerations as set forth in Exhibit B hereto and incorporated herein by reference, and finds, based upon substantial evidence in the record, including but not limited to the Statement of Overriding Considerations, the specific economic, legal, social, technological and other benefits of the Project outweigh the significant effects to air quality.

Section 10. Exhibit A sets forth, and Section 3.0 of the FEIR more fully describes, a reasonable range of alternatives to the 2010 Amendment, which have been fully considered by the Agency. These alternatives include the "No Amendment Alternative"; the "Limited Redevelopment Activities Alternative," which considers reduced Agency activities in the Added Territory; the "Financing Alternative," which considers supplanting tax increment revenues with funds from a variety of other programs and sources, and the "Alternative Added Territory Alternative," which considers reduction of or enlargement of the Added Territory. As set forth in Sections 7 and 8 of this Resolution, the FEIR identifies feasible mitigation measures for each significant impact in the FEIR that could be mitigated and in Section 9 adopts a Statement of Overriding Considerations for those impacts that could not be wholly mitigated to a level of insignificance. The Agency hereby finds that the alternatives described in the FEIR and identified in Exhibit A are not feasible because they would not achieve the basic objectives of the Amended Plan, or would do so only to a much smaller degree and therefore leave unaddressed
significant social, physical and economic problems the Amended Plan is intended to eliminate. Of the reasons set forth herein in the attached Exhibit A, in the record of the Agency's proceedings or in the FEIR, none of the alternatives, including the No Amendment alternative, is environmentally superior to the 2010 Amendment because each would reduce redevelopment and blight removal activities, limit job creation, and constrain the Agency's ability to correct current deficiencies.

**Section 11.** The Agency hereby finds and determines that the mitigation measures and the Mitigation Monitoring Program set forth in the FEIR will mitigate or avoid all significant environmental effects that can feasibly be mitigated or avoided. The Agency hereby adopts the Mitigation Monitoring Program as set forth in Section 7.0 of the FEIR and attached hereto as Exhibit C and incorporated herein by reference. This program will be used to monitor the changes to conditions in the Amended Project Area, and should be made a condition of approval as set forth in Sections 7 and 8 above and in Exhibit A to this Resolution.

**Section 12.** Upon adoption of the 2010 Amendment by the City Council, the Agency Secretary shall, in cooperation with the City Clerk, cause a Notice of Determination to be filed forthwith in the Office of the County Clerk of the County of Tulare and the State Clearinghouse pursuant to CEQA Guidelines Section 15094.

**Section 13.** The Agency Secretary shall certify to the passage and adoption of this Resolution and it shall thereupon take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the ____ day of June, 2010.

_________________________________
Brian Ward
Vice Chairman, Porterville Redevelopment Agency

ATTEST:

_________________________________
John D. Lollis
Secretary, Porterville Redevelopment Agency
EXHIBIT A

FINDINGS OF FACT
FINDINGS OF FACT RELATING TO THE ENVIRONMENTAL IMPACTS
OF THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE
PORTERVILLE REDEVELOPMENT PROJECT AREA NO.1

I. FINDINGS CONCERNING THE SIGNIFICANCE OF SPECIFIC ENVIRONMENTAL
IMPACTS IDENTIFIED IN THE FINAL PROGRAM ENVIRONMENTAL IMPACT
REPORT.

Capitalized terms used but not defined in this Exhibit A shall have the meanings given in the
Resolution to which this Exhibit A is attached and made part (the "Resolution") or in the FEIR as
applicable.

As further provided in the Resolution the mitigation measures set forth below in this Part I of
Exhibit A are each expressly approved and adopted by the City Council and the Agency and
incorporated into and made requirements of the Project pursuant to the Plan Amendment.

As used below in this Part I of Exhibit A, the phrases "insignificant" or "less than significant" or
similar words as found in various subsections headed "Level of Significance After Mitigation"
mean, for purposes of the CEQA Guidelines, with particular reference to CEQA Guidelines,
Section 15091(a)(1), that:

Changes or alterations have been required in, or incorporated into, the Project
which avoid or substantially lessen the significant effect as identified in the Final
EIR.

Please refer to the applicable sections of the FEIR, incorporated herein by reference, for
additional information concerning Project impacts and required mitigation measures and further
explanation of the rationale for the significance findings set forth below in this Part I of Exhibit A

A. AGRICULTURAL RESOURCES

IMPACTS

AGRICULTURE

No land included in the Added Territory is under a Williamson Act contract or is subject
to any Farmland Security Zones requirements. The Amended Plan is required by law to
be consistent with the General Plan, as it currently exists and as it may be amended
from time to time. Adoption of the 2010 Amendment will not directly affect existing or
future City General Plans, or specific plan policies and/or programs, or regulations
contained within the City's Zoning Ordinance that have been established, or that may be
modified, by the City Council and Planning Commission anywhere within the Added
Territory, because neither the Agency nor the Amendment directly affects land use
policy or regulation. There is a small amount of agricultural land which is currently in
agricultural production in the Added Territory which has the potential to be converted to
more urbanized uses as a result of General Plan implementation. A total of
approximately 113 acres in the Added Territory have been identified as potential Prime
Farmland or Farmland of Local Importance of which approximately 0.0 acres appear to
be in active agricultural use.
MITIGATION MEASURES

With respect to mitigation measures for the 2030 General Plan, the General Plan concludes that conversion of Prime, Important, and Unique Farmland to urban use is not directly mitigable, aside from preventing development altogether. The General Plan policies provide a frame work for preventing long-term impacts, thereby limiting conversion of important farmland areas to the minimum extent needed to accommodate long-term growth. With respect to the Added Territory, this Program EIR incorporates the policies to reduce impacts contained within the 2030 General Plan EIR being available feasible mitigation measures. No mitigation measures beyond those previously incorporated from the 2030 General Plan EIR are recommended as a condition of approval of the 2010 Amendment. Additional mitigation measures may be imposed at such time as specific projects are proposed and reviewed.

B. AIR QUALITY

IMPACTS

SHORT-TERM IMPACTS:

A specific project's construction phase produces many types of emissions, especially particulate matter. The SJVAPCD recognizes that construction equipment also emits carbon monoxide and ozone precursor emissions; however, the SJVAPCD has determined that these emissions may cause a significant air quality impact only in the cases of very large or very intense construction projects; consequently, it is reasonable that construction impact significance should be determined on a case-by-case, site-specific project basis. Projects falling below the SJVAPCD's pre-calculated project size/emissions thresholds qualify for what the SJVAPCD refers to as the Small Project Analysis Level (SPAL). Individual, Agency-assisted projects, as they are identified and when they occur, may well fall below the SJVAPCD's SPAL threshold, and thus have individually insignificant short-term impacts if occurring one at a time.

LONG TERM IMPACTS:

The main sources of long-term air quality impacts due to emissions generated by Agency-assisted implementation projects will be from motor vehicles, just as build-out of the General Plan, without the 2010 Amendment, would result in increased motor vehicle emissions. Since it is unknown what particular industries or commercial operations might locate within the Added Territory, or what size or type of residential development will occur, or when, as a result of Agency assistance, accurate, non-speculative projections of potential emissions levels are not appropriate at this time and must be assessed and conducted on a project-by-project basis. All proposed Agency-assisted projects, as well as non-Agency-assisted projects, must meet development densities and intensities permitted under the General Plan, and must comply with emission standards and rules, as amended, which are regulated and controlled principally through the SJVAPCD.

MITIGATION MEASURES

The following enumerated mitigation measures are recommended as a condition of 2010 Amendment approval to be applied to future Agency-assisted, site specific projects, as appropriate and applicable.
AQ-1. Compliance with the General Plan, its policies and objectives, which are promulgated to reduce air pollutants created within the City, including the Added Territory, and which are incorporated herein by this reference.

SHORT-TERM

AQ-2. Compliance with the SJVAPCD's Regulation VIII Control Measures For Construction Emissions of PM10 (Fugitive Dust Control), which contains construction (short-term) mitigation measures required by the SJVAPCD; these mitigation measures are incorporated herein by this reference. Individual, site-specific project implementation should coordinate regulation enforcement with the SJVAPCD.

LONG-TERM

AQ-3. Compliance with the SJVAPCD's Rule 2201, which sets emission thresholds above which stationary pollution sources must offset all emissions down to the thresholds.

AQ-4. Compliance with SJVAPCD's Indirect Source Review requirement, Rule 9510, which reduces the growth of NOx and PM10 emissions in the SJVAB by requiring construction and operational emissions from new development projects of certain size be reduced by certain percentages on-site, or through the payment of an offset fee to be used to gain off-site emissions reductions (addresses both short-term and long-term impacts)

AQ-5. Implement all feasible mitigation measures, as may be appropriate, to reduce the amount of ozone precursors that will result from Project implementation.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

The proposed Project is found to have unavoidable significant impacts upon Air Quality Resources which cannot be reduced to a less than significant level even with the inclusion of mitigation measures recommended as condition of Project approval. Therefore, in order to proceed with adoption of the Amendment a statement of overriding considerations would be required pursuant to CEQA Guidelines, Section 15093 in certifying the EIR prior to such adoption.

C. BIOLOGICAL RESOURCES

IMPACTS

Redevelopment in the Added Territory could assist in encouraging private development and financing public improvements necessary for development pursuant to the General Plan. Approximately 207 acres of vacant (undeveloped) land, 9.5 acres of land in existing apparent agricultural use (approximately 55 of these acres are designated by the General Plan as Parks and Recreation or Commercial Recreation land uses), and 24 acres of previously urbanized land existing in the 1,520-acre Added Territory, or approximately 16 percent. The remainder is urbanized, consisting of existing commercial, industrial, residential and public land uses. To the extent that these small
pockets of undeveloped or marginally developed parcels contain vestiges of habitat, special status species or wetlands, such Agency-implemented redevelopment activities, and development either directly or indirectly supported by redevelopment, could result in the removal of vegetation in the Added Territory, and could involve encroachment into or construction of infrastructure within remaining sensitive habitats. This is a potentially significant impact.

Any alterations of State regulated waters (e.g., the Tule River) and immediately adjacent riparian vegetation must be in conformance with Section 1600 of the State Fish and Game Code. Compliance with this regulation would include the preparation of mitigation plans that provide for no net loss of CDFG-regulated riparian habitat along the Tule River through the avoidance, creation, restoration, enhancement, and/or preservation of riparian habitat. Therefore, securing the required Streambed Alteration Agreement (SAA) would protect the hydrology and ecology of the River and ensure no net loss of riparian habitat along or within the river. General Plan implementation policies OSC-I-29, 31, 35 and 36 were adopted to ensure identification of any wetlands within the riparian habitats prior to any construction and to mitigate temporary and permanent impacts on riparian habitat within the City Planning Area, including areas not covered by Section 1600 of the Fish and Game Code. This would occur through the identification of the amount of riparian habitat removed and then the creation, restoration, enhancement, and/or preservation of riparian habitat; and the development of a detailed mitigation and/or restoration plan to offset loss of this community that would monitor its success, and ensure that once mitigated or preserved, these sensitive communities are appropriately protected from disturbance. The results of this effort, in combination with compliance with State Fish and Game Code, NPDES Regulations, local water quality, and runoff standards regulations, would be either avoidance of existing features, or on- or off-site mitigation as permitted by the regulatory agencies. With implementation of these mitigation measures and compliance with state and federal regulations, the direct impact to sensitive riparian habitats is less than significant.

According to the General Plan EIR, "[s]ome development that may occur [in the 36,000-acre Planning Area] under the proposed General Plan is located along the outskirts of the urbanized areas on previously undeveloped sites, but this would not result in the exclusion of species from their normal migration routes. No development is proposed directly within the Tule River channel on any watercourse, and therefore, would not interfere with the movement of any fish species. Therefore, development within the planned urban areas would not interfere with the movement of fish or other wildlife species that migrate through the already urbanized areas of the City, and impacts would be less than significant."

MITIGATION MEASURES

In addition to General Plan Open Space and Conservation Element Implementation Policies OSC-I-26 through 29, 31, and 35-36 identified above, the following mitigation measures will ensure that potential impacts to remaining habitat, special status species or wetlands on vacant or undeveloped land in the Added Territory are reduced to less than significant levels.

B-1. Prior to site-specific project development approval, a qualified biologist shall be retained by the project proponent to prepare a site-specific biological survey to determine the potential presence of wetlands, special status species, and/or suitable habitat for special status species and application of the appropriate "no net loss" mitigation measures for any identified impacts on same.
B-2. No physical alteration of a development site or issuance of building permits shall occur within potentially biologically sensitive areas until evidence is submitted for review and approval by the Agency and the City Planning Division that either no listed flora or fauna species are present, or areas containing habitat for listed species have been avoided, or if avoidance is not possible, that all required consultations with the USFWS and/or CDFG have occurred pursuant to the FESA and CESA, and evidence is provided of any necessary permits, approvals, or agreements from USACE and CDFG for removal of any wetland or riparian habitat and/or associated drainages. Future proposed development engendered by redevelopment shall be consistent with the provisions of any required consultations and associated permits or agreements.

B-3. No physical alteration of a development site or issuance of building permits shall occur within existing grasslands or riparian areas until a breeding season survey is conducted by a qualified biologist during spring or early summer (from March 1 through August 15, before development activity takes place) near annual grasslands, large trees, and riparian areas.

B-4. On parcels containing potential wetlands, a USACE verified wetland delineation and jurisdictional determination of the parcel shall be completed before any earthmoving or grading activities within or adjacent to potential jurisdictional wetlands and drainages. If the USACE determines that areas on the project site are jurisdictional, all work proposed in these areas shall be authorized by permits from the USACE. All applicable permits from the CDFG and RWQCB will also be obtained before construction in areas under the jurisdiction of these agencies, and provided to the Agency and City Planning Department prior to the initiation of ground disturbing activities or other construction activities.

B-5. If construction activities occur within any creek channel, ditches with a defined bed and bank, or within the riparian woodland drip line, the project sponsor shall obtain the appropriate permits from the CDFG. The project sponsor shall provide proof to the Agency and City Planning Division of compliance with the terms and conditions of the permits prior to issuance of the grading permit and prior to any construction in jurisdictional waters.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Although the habitat value in the Added Territory is low, development within the Added Territory will be required to participate in mitigation plans approved by the State resource agencies if need be, which would replace lost habitat and preserve contiguous areas of habitat. In addition, development within the Added Territory would implement mitigation measures specifically designed to avoid, reduce, or mitigate impacts to special status/sensitive species and their habitat. Implementation of adopted mitigation measures on a project by project basis, in combination with compliance with General Plan Open Space and Conservation Implementation Policies, CESA, FESA, CWA Regulations, NPDES permit requirements, and the Fish and Game Code of California, reduce potential cumulative losses to the regional special-status and sensitive plant and wildlife and their habitat. Therefore, the 2010 Amendment would have a less-than-significant impact on special status species and their habitat.
II. FINDINGS CONCERNING THE PROJECT ALTERNATIVES

The following are summaries of alternatives to the Project, as currently proposed, which are examined in more detail in Section 3.0 of the FEIR.

NO AMENDMENT ALTERNATIVE

The No Amendment alternative would generate less intense development within the Added Territory, and therefore fewer environmental impacts. However, abandonment of the Amended Plan will not stop all development in the Added Territory and the environmental consequences resulting from implementation of those, as of yet undescribed development actions, will necessarily follow. Moreover, abandonment of the Amendment as proposed will deprive the Agency of the means to ameliorate the existing conditions of blight in the Added Territory, and to build the facilities necessary to avoid the more severe environmental consequences that could be attributed to "piecemeal" development which could exceed the available capacity of public infrastructure. Thus, the No Amendment alternative is not environmentally superior to the 2010 Amendment because, in actuality it would involve only a marginally lesser degree of redevelopment/development, albeit that would occur in a more piecemeal and unstructured fashion. Development of this fashion would not likely benefit from Agency-supported facility improvements, such as roadways, flood control facilities, and the like, which condition would in and of itself cause or be impacted by unacceptable environmental consequences.

ALTERNATIVE ADDED TERRITORY ALTERNATIVE

An "Alternative Added Territory Alternative," one that would consist of either more or fewer parcels than that number selected for the Project, does not take into consideration that the Added Territory Area, as proposed, was selected based upon existing conditions and an identified need for redevelopment.

An extension of Added Territory boundaries is not environmentally superior to the Amendment, as proposed, because the environmental benefits of the proposed Amendment that would be realized as a consequence of the implementation of the projects and programs included in Appendix B, might not be fully implemented if this alternative were selected. An extension of Added Territory boundaries as proposed is inappropriate because a larger Added Territory would have greater environmental consequences (due to more intense development of a broader area) without providing social and economic benefits comparable to those of the Amendment, and is therefore not environmentally superior to the Amendment.

The deletion of residential properties is not environmentally superior to the Amendment as proposed because the benefits of the Amendment that can realistically be expected to occur as the result of the long-term implementation of the projects and programs included in Appendix B of this EIR, such as: i) implementing the General Plan and facilitating creation of a more cohesive and better functioning community, ii) improving circulation, utilities and other infrastructure deficiencies, iii) improving existing community services and facilities as necessary, and to provide new services as necessary to complement redevelopment. These benefits of the Amendment outweigh the environmental benefits of the alternative to the Amendment which would include reduced
traffic generation, reduced wastewater generation, reduced air contaminants, and reduced water consumption.

LIMITED REDEVELOPMENT ACTIVITIES ALTERNATIVE

The Limited Redevelopment Activities alternative is not an environmentally superior alternative to the Amendment because the environmental benefits of the Limited Redevelopment Activities, such as a decrease in short-term impacts and long-term impacts are outweighed by the concomitant negative impacts that would result from limited redevelopment activity such as: 1) increased growth impacts on existing public facilities without upgrading those facilities and 2) the restrictions on the Agency's ability to mitigate current infrastructure deficiencies and undertake aesthetic improvements in the Added Territory.

FINANCING ALTERNATIVE

Various financing programs, as an alternative to the 2010 Amendment adoption, might include Revenue Bonds, Community Development Block Grant funds, Economic Development Administration funds, special assessment districts, such as Infrastructure Financing Districts (IFDs), and/or other County, State and federal assistance and funding programs, some of which are currently being used, as available and permitted by law. Although most of these programs may be used to supplement the tax increment financing enabled by the CCRL through redevelopment, each financing program, taken alone, has inherent limitations and disadvantages; therefore, reliance on any of these sources as a sole financing tool is not considered feasible. Existing disadvantages associated with the Financing Alternative would jeopardize the Amendment's long-term implementation and prevent the Agency from being able to effect positive economic and physical changes within the Added Territory. Therefore, this alternative would allow existing conditions of deficiency, which negatively affect the proper utilization of the Added Territory, to continue without a substantial means of abatement. In contrast, adoption of the Amendment will lead to a steadily available source of funding through tax increment revenues for an extended period of time. Additionally, to obtain increased benefits, the Plan Amendment allows the Agency to take advantage of all available financing sources and programs allowed by law, in addition to its tax increment receipts in order to effect redevelopment of the Added Territory. Moreover, the CCRL requires that the Agency give consideration to alternative financing sources when it proposes to provide public facilities and improvements with tax increment revenues, in effect causing the examination of alternative financing sources throughout the term of the Amended Plan.

CONCLUSION

The Agency's primary goal is to eliminate blight within the Added Territory. The No Amendment Alternative will not achieve this goal, because blight in the Added Territory could not be addressed through Agency redevelopment assistance. The Financing Alternative, the Limited Redevelopment Activities Alternative and the Alternative Added Territory Alternative would each achieve the Agency's goal in part, but the ultimate success of the Agency's redevelopment effort would be limited by the specific constraints imposed by each alternative. In the end, all alternatives to the Project, including the No Amendment Alternative, fall short of achieving the Agency's goal of neighborhood revitalization and economic improvement through blight elimination in the Added Territory.
EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS
STATEMENT OF OVERRIDING CONSIDERATIONS

Capitalized terms used but not defined in this Exhibit B shall have the meanings given in the Resolution to which this Exhibit is attached and made a part, or the FEIR, as applicable.

As detailed in Section 2.3 of the FEIR, the Project is expected to create a significant, unavoidable and adverse impact on Air Quality, even after adoption and implementation of all relevant mitigation measures. This Exhibit B constitutes the Statement of Overriding Considerations of the City Council and Agency in connection with the significant, unavoidable and adverse impacts of the Project on Air Quality, made in accordance with CEQA Guidelines, Section 15093.

The City Council and Agency have carefully and independently considered the significant, unavoidable and adverse impacts to Air Quality in deciding whether to approve the Project. Although the City Council and Agency believe that the unavoidable impacts will be lessened by the mitigation measures incorporated into the Project, each recognizes that approval of the Project will nonetheless result in certain unavoidable and potentially irreversible effects.

The City Council and Agency have weighed the benefits to the community of the Project against its environmental risks. The City Council and Agency each specifically find that, to the extent that any adverse or potentially adverse impact has not been mitigated to a level of insignificance, that specific economic, social, legal, environmental, technological or other benefits of the project outweigh the significant effects on the environment. Furthermore, the City Council and Agency each find that any and each of the following considerations is sufficient to approve the Project despite any one or more of the unavoidable impacts to Air Quality identified; that each of the overriding considerations is adopted with respect to each of the impacts individually; and that each consideration is severable from any other consideration should one or more considerations be shown to be legally insufficient for any reason. The following considerations support approval of the Project:

1. The Project will remedy, remove and prevent physical and economic blighting influences which are present in the Added Territory.

2. The Project will encourage increased employment and business opportunities through environmental and economic improvements resulting from the redevelopment activities.

3. The Project will provide for the rehabilitation of commercial and manufacturing structures and residential dwelling units.

4. The Project will revitalize neighborhoods by providing for participation in the redevelopment of property by owners who agree to so participate in conformity with the Plan Amendment.

5. The Project will provide public infrastructure improvements and community facilities, such as the installation, construction and/or reconstruction of streets, utilities, public buildings, facilities, structures, street lighting, landscaping and other improvements which are necessary for the effective redevelopment of the Added Territory.

6. The Project will increase, improve and preserve the community's supply of affordable housing available to eligible families and persons.

7. The Project will encourage the redevelopment of the Added Territory through the cooperation of private enterprise and public agencies.
8. Implementation of the Amended Plan will ensure the development and redevelopment of the Added Territory in a manner consistent with the goals and policies of the City’s General Plan, as applicable.

9. Implementation of the Amended Plan will protect the safety of people living and working within the Added Territory by improving the seismic safety features of existing buildings and infrastructure.
EXHIBIT C

MITIGATION MONITORING & REPORTING PROGRAM
The following Mitigation Monitoring & Reporting Program is excerpted from Section 7.3 of the FEIR for the Project.

### AMENDMENT TO THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1 (A REDEVELOPMENT PROJECT) MITIGATION MONITORING & REPORTING PROGRAM

#### 2.3 AIR QUALITY

The following mitigation measures are recommended as a condition of Amendment adoption:

<table>
<thead>
<tr>
<th>MITIGATION MEASURES</th>
<th>RESPONSIBLE ENTIT(IES)</th>
<th>ENFORCEMENT AGENC(IES)</th>
<th>MONITORING PHASE(S)</th>
<th>MONITORING AGENC(IES)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ-1. Compliance with the General Plan, its policies and objectives, which are promulgated to reduce air pollutants created within the City, including the Added Territory, and which are incorporated herein by this reference.</td>
<td>Project Applicant</td>
<td>City of Porterville</td>
<td>Pre-Construction</td>
<td>Porterville Community Development Department</td>
</tr>
<tr>
<td>AQ-2. Compliance with the SJVAPCD's Regulation VIII Control Measures For Construction Emissions of PM10 (Fugitive Dust Control), which contains construction (short-term) mitigation measures required by the SJVAPCD; these mitigation measures are incorporated herein by this reference. Individual, site-specific project implementation should coordinate regulation enforcement with the SJVAPCD.</td>
<td>Developer</td>
<td>Redevelopment Agency of the City of Porterville</td>
<td>Construction</td>
<td>San Joaquin Valley Unified Air Pollution Control District</td>
</tr>
<tr>
<td>AQ-3. Compliance with the SJVAPCD's Rule 2201, which sets emission thresholds above which stationary pollution sources must offset all emissions down to the thresholds.</td>
<td>Redeveloper</td>
<td>San Joaquin Valley Unified Air Pollution Control District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-4. Compliance with SJVAPCD's Indirect Source Review requirement, Rule 9510, which reduces the growth of NOx and PM10 emissions in the SJVAB by requiring construction and operational emissions from new development projects of certain size be reduced by certain percentages on-site, or through the payment of an offset fee to be used to gain off-site emissions reductions (addresses both short-term and long-term impacts)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-5. Implement all feasible mitigation measures, as may be appropriate, to reduce the amount of ozone precursors that will result from Project implementation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 2.5 BIOLOGICAL RESOURCES

The following mitigation measures are recommended as a condition of Amendment adoption:

<table>
<thead>
<tr>
<th>MITIGATION MEASURES</th>
<th>RESPONSIBLE ENTIT(IES)</th>
<th>ENFORCEMENT AGENC(IES)</th>
<th>MONITORING PHASE(S)</th>
<th>MONITORING AGENC(IES)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1. Prior to site-specific project development approval in potentially biological sensitive areas, a qualified biologist shall be retained by the project proponent to prepare a site-specific biological survey to determine the potential presence of wetlands, special status species, and/or suitable habitat for special status species and application of the appropriate &quot;no net loss&quot; mitigation measures for any identified impacts on site.</td>
<td>Project Applicant Developer Redeveloper</td>
<td>City of Porterville Redevelopment Agency of the City of Porterville</td>
<td>Pre-Construction</td>
<td>Porterville Community Development Department</td>
</tr>
<tr>
<td>B-2. No physical alteration of a development site or issuance of building permits shall occur within potentially biologically sensitive areas until evidence is submitted for review and approval by the Agency and the City Planning Department that either no listed flora or fauna species are present, or areas containing habitat for listed species have been avoided, or if avoidance is not possible, that all required consultations with the USFWS and/or CDFG have occurred pursuant to the FESA and CESA, and evidence is provided of any necessary permits, approvals, or agreements from USACE and CDFG for removal of any wetland or riparian habitat and/or associated drainages. Future proposed development engendered by redevelopment shall be consistent with the provisions of any required consultations and associated permits or agreements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-3. No physical alteration of a development site or issuance of building permits shall occur within existing grasslands or riparian areas until a breeding season survey is conducted by a qualified biologist during spring or early summer (from March 1 through August 15, before development activity takes place) near annual grasslands, large trees, and riparian areas.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-4. On parcels containing potential wetlands, a USACE verified wetland delineation and jurisdictional determination of the parcel shall be completed before any earthmoving or grading activities within or adjacent to potential jurisdictional wetlands and drainages. If the USACE determines that areas on the project site are jurisdictional, all work proposed in these areas shall be authorized by permits from the USACE. All applicable permits from the CDFG and RWQCB will also be obtained before construction in areas under the jurisdiction of these agencies, and provided to the Agency and City Planning Department prior to the initiation of ground disturbing activities or other construction activities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-5. If construction activities occur within any creek channel, ditches with a defined bed and bank, or within the riparian woodland dripline, the project sponsor shall obtain the appropriate permits from the CDFG. The project sponsor shall provide proof to the Agency and City Planning Department of compliance with the terms and conditions of the permits prior to issuance of the grading permit and prior to any construction in jurisdictional waters.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NO. __________

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1 AND RECOMMENDING THE CITY OF PORTERVILLE CITY COUNCIL APPROVE SAID AMENDMENT

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

WHEREAS, the City Council subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency's establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the "Amended Plan" and the "Amended Project Area"; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan's projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, the Amended Plan does not authorize the Agency to acquire any property in the Amended Project Area on which any persons reside through the use of eminent domain, and the Amended Plan does not propose public projects that would displace a substantial number of low- or moderate-income persons; therefore, the Agency, by adoption of its Resolution No. PRA 2009-04 on June 2, 2009, determined that a Project Area Committee (PAC) was not required to be formed in connection with the 2010 Amendment pursuant to CCRL Section 33385; and

WHEREAS, the Agency, as lead Agency caused to be prepared a Final Environmental Impact Report for the 2010 Amendment (the "FEIR") pursuant to Section 21151 of the Public Resources Code; and

WHEREAS, pursuant to public notice duly given, a full and fair public hearing has been held on the Amended Plan and the FEIR, and the Agency has considered all written and oral comments and testimony relating thereto and is fully advised thereon; and
WHEREAS, by Resolution adopted by the Agency, the Agency has certified that the FEIR was completed in compliance with the provisions of the California Environmental Quality Act ("CEQA," Public Resources Code Sections 21000 et seq. and Title 14, California Code of Regulations Sections 15000 et seq.), and that the Agency reviewed and considered the information contained in the FEIR prior to deciding to take action on the 2010 Amendment; and

WHEREAS, the Agency has taken all other actions required by law to prepare and present the Amended Plan.

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

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

Section 2. The Agency hereby finds and determines that significant blight remains within the Existing Project Area and that such blight cannot be eliminated without the use of eminent domain. This finding is based, in part, upon the information and analyses contained in Sections 5.0 and 9.0 of the Agency’s Report to the City Council prepared for the 2010 Amendment (the “Report to Council”) pursuant to the requirements of CCRL Section 33352. The Report to Council is on file in the City Clerk’s Office, 291 North Main Street, Porterville, California, 93257, and is incorporated herein by reference.

Section 3. The Agency hereby approves the 2010 Amendment, a copy of which is on file in the office of the City Clerk and which is incorporated herein and made part hereof by reference.

Section 4. The Agency hereby recommends approval and adoption of the 2010 Amendment by the City Council.

Section 5. The Agency Secretary shall certify to the passage and adoption of this Resolution and it shall thereupon take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency on the ___ day of June, 2010.

________________________________
Brian Ward
Vice Chairman, Porterville Redevelopment Agency

ATTEST:

________________________________
John D. Lollis
Secretary, Porterville Redevelopment Agency
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE FINDING AND DETERMINING THAT THE USE OF TAXES ALLOCATED FROM THE TERRITORY PROPOSED TO BE ADDED TO THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1 BY THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1, FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING OUTSIDE THE AMENDED PROJECT AREA, WILL BE OF BENEFIT TO THE ADDED TERRITORY AND THE OVERALL REDEVELOPMENT PROJECT

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

WHEREAS, the City Council subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency's establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the Porterville Redevelopment Agency has initiated proceedings to amend (the "2010 Amendment") the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the "Amended Plan" and the "Amended Project Area"; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan's projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, the Amended Plan would provide for the allocation of taxes from the Added Territory to the Agency pursuant to CCRL Section 33670(b); and

WHEREAS, CCRL Section 33334.2 requires that not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to CCRL Section 33670 be used by the Agency for purposes of increasing, improving and preserving the community's supply of low- and moderate-income housing available at an affordable housing cost (the "Low and Moderate Income Housing Fund"); and

WHEREAS, pursuant to Sections 33334.2 and 33487 of the CCRL, the State Legislature has declared its intent that the Low and Moderate Income Housing Fund shall be used to improve, preserve, and increase housing in the community available at affordable housing costs to households of limited income; and
WHEREAS, subsection (g) of CCRL Section 33334.2 authorizes the Agency to use monies from the Low and Moderate Income Housing Fund inside or outside the Amended Project Area, but the Agency may only use the funds outside the Amended Project Area upon resolutions of the Agency and the City Council finding that such use will be of benefit to the Amended Project Area; and

WHEREAS, under said subsection (g) of CCRL Section 33334.2 the State Legislature declares that the provision of replacement housing pursuant to CCRL Section 33413 is always of benefit to a redevelopment project area; and

WHEREAS, the City Council desires by this Resolution to declare that the expenditure of monies from the Low and Moderate Income Housing Fund outside the Amended Project Area for purposes authorized under the CCRL are and will be of benefit to the Amended Project Area.

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 a substantive part of this Resolution.

Section 2. The City Council hereby finds, determines, and declares that the expenditure of monies from the Low and Moderate Income Housing Fund outside the Amended Project Area for purposes authorized under the CCRL are and will be of benefit to the Amended Project Area.

Section 3. The Agency is authorized to expend monies from the Low and Moderate Income Housing Fund for said authorized purposes under the CCRL.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution, whereupon it shall take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Porterville on the ___ day of June, 2010.

______________________________
Brian Ward
Vice Mayor, City of Porterville

ATTEST:

______________________________
John D. Lollis
City Clerk, City of Porterville
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1; MAKING WRITTEN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING PROGRAM

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

WHEREAS, the City Council subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency's establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the "Amended Plan" and the "Amended Project Area"; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan's projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, the above recited Ordinances, including the findings and determinations made by the City Council therein, are made part hereof by reference, and are final and conclusive, there having been no action timely brought to question the validity of said redevelopment plan adoption and amendments; and

WHEREAS, the 2010 Amendment has been prepared in accordance with the provisions of the CCRL; and

WHEREAS, the Agency caused an Initial Study to be prepared to evaluate the potential for adverse environmental impacts to occur as a result of the adoption and implementation of the 2010 Amendment, concluding that a Program Environmental Impact Report (EIR) would be prepared for the 2010 Amendment, and the Initial Study with a Notice of Preparation was mailed to the State Clearinghouse, responsible and trustee agencies and other interested parties; and
WHEREAS, the Initial Study concluded that implementation of the Amended Plan would have less than significant or no impacts in the following categories: Aesthetics, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Traffic/Transportation, and Utilities/Service Systems within the Amended Project Area; and

WHEREAS, the Agency, authorized as a "lead agency," prepared a Draft EIR (DEIR) for the adoption of the 2010 Amendment pursuant to the California Environmental Quality Act (the "CEQA Statutes"; Public Resources Code Section 21000 et seq.), and the State Guidelines for Implementation of the California Environmental Quality Act (the "CEQA Guidelines"; Title 14, California Code of Regulations, Section 15000 et seq.; hereinafter, the CEQA Statutes and CEQA Guidelines are collectively referred to as “CEQA”), which DEIR is on file with the City Clerk; 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, on April 6, 2010, after reviewing the DEIR in accordance with CEQA Guidelines Section 15025(c), the Porterville Planning Commission (the "Planning Commission"), pursuant to its Resolution No. 38-2010 adopted on April 6, 2010, approved and forwarded to the City Council a report finding that the Amended Plan conforms with the City's General Plan, approved the 2010 Amendment as proposed, and recommended approval and adoption of the 2010 Amendment to the Agency and City Council; and

WHEREAS, all actions required to be taken by applicable law related to the preparation, circulation and review of the DEIR have been taken; and

WHEREAS, public notice having been duly and regularly given, as required by law, a full and fair joint public hearing has been held by the Agency and the City Council concerning the adoption of the 2010 Amendment and approval of the Final EIR (FEIR) related thereto, and all interested persons expressing a desire to comment thereon, or object thereto, have been heard; and

WHEREAS, the FEIR consists of the DEIR, as revised and supplemented to incorporate all comments received during the public review period, if any, and the responses of the Agency to any such comments, and the Mitigation Monitoring Program; and

WHEREAS, the Agency has reviewed and certified the FEIR, made written findings required by CEQA, adopted a Mitigation Monitoring Program, and adopted a Statement of Overriding Considerations with respect to impacts to Air Quality which cannot be mitigated to a less than significant level, all in the exercise of its independent judgment; and

WHEREAS, copies of all documents and the record of proceedings related to the Agency's approval and certification of the FEIR are on file in the Agency offices, 291 North Main Street, Porterville, California, and the FEIR is on file in the offices of the City Clerk, and all such documents are available for public inspection; and
WHEREAS, the City Council has reviewed and considered the FEIR and the Mitigation Monitoring Program prepared for the 2010 Amendment, and all comments and responses thereto.

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 a substantive part of this Resolution.

Section 2. A DEIR was prepared to evaluate the potential adverse environmental impacts of the 2010 Amendment and to incorporate previously prepared CEQA analyses, as applicable. It was circulated for a 45-day public review and comment period pursuant to CEQA requirements. The FEIR, which includes written comments, if any, and responses to said comments, was prepared and made available for public inspection at the office of the City Clerk prior to the adoption date of the Agency Resolution certifying the FEIR. The FEIR, including comments, responses, and a proposed Mitigation Monitoring Program, makes minor corrections to the DEIR, and incorporates the DEIR and appendices to the DEIR.

Section 3. The City Council hereby certifies that the FEIR was completed in compliance with CEQA; certifies that the FEIR was presented to the City Council and the City Council has reviewed and considered the FEIR and the information contained therein prior to deciding whether to approve the 2010 Amendment; specifies that the FEIR for the 2010 Amendment constitutes a "Program EIR" for purposes of CEQA Statutes, Section 21090(a); and finds that the FEIR reflects the independent judgment and analysis of the City Council. The City Council further finds that the public comments and responses, if any, to the DEIR following the public comment period do not constitute significant new information as defined in CEQA Statutes Section 21092.1 and in CEQA Guidelines Section 15088.5.

Section 4. The City Council and Agency held a duly noticed joint public hearing on the 2010 Amendment and FEIR on June 1, 2010. All interested persons had the opportunity to present both written and oral comments regarding the 2010 Amendment and the FEIR at the hearing. The City Council has considered all comments received on the DEIR, which comments and responses thereto are contained in the FEIR. These actions having been taken, the FEIR is hereby approved, certified and adopted as the Final Environmental Impact Report for the 2010 Amendment and incorporated herein by reference.

Section 5. The findings made in this Resolution are based upon the information and evidence set forth in the FEIR and upon other substantial evidence in the record of the proceedings on the 2010 Amendment and the FEIR, which include, among other things, the City of Porterville General Plan and the Porterville zoning regulations. The documents, staff reports, plans, specifications, technical studies, and other relevant materials, including, without limitation, the FEIR, that constitute the record of proceedings on which this Resolution is based are on file and available for public examination during normal business hours in the Agency offices, 291 North Main Street, Porterville, California. Additionally, the FEIR is on file and available for public examination during normal business hours in the office of the City Clerk,
City of Porterville, 291 North Main Street, Porterville, California. The custodian of the FEIR is the City Clerk of the City.

Section 6. Based upon the Initial Study, the DEIR, the public comments, if any, and responses thereto, the FEIR and the record before the City Council, the City Council finds that the Amended Plan will not cause significant environmental impacts in the areas of: Aesthetics, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, and Utilities/Service Systems within the Project Area.

Section 7. Based on the Initial Study, the DEIR, the public comments, if any, and responses thereto, the FEIR, and the record before the City Council, the City Council hereby makes and adopts the CEQA Findings and Statement of Facts as set forth in Exhibit A, attached hereto and incorporated herein by reference. Without limiting the generality of the foregoing sentence, the City Council hereby expressly approves and adopts each of the mitigation measures set forth in the attached Exhibit A, and hereby requires that such mitigation measures shall be implemented in connection with, and are hereby made a part of the Amended Plan. In addition, the City Council acknowledges that it will consider the recommendations contained in the FEIR as it implements specific projects.

Section 8. Based on the foregoing, the City Council hereby finds that the Amended Plan may create significant impacts in the areas of Agricultural Resources, Air Quality and Biological Resources. Based on such Findings of Fact and the foregoing adoption and requirement for mitigation measures, which are contained in Exhibit A and incorporated herein by reference, the City Council hereby finds that mitigation measures have been required in, or incorporated into, the Amended Plan which will eliminate or reduce to a level of insignificance, the potentially significant environmental effects of the Amended Plan identified in the FEIR, except for impacts to Air Quality, as fully described in Section 2.3 of the FEIR. With regard to the impacts in Section 2.3, the City Council finds and determines that implementation of the Amended Plan will have a significant environmental effect on Air Quality, which cannot be mitigated to a level of insignificance.

Section 9. Based on the foregoing, as to the significant impacts to Air Quality, which are not eliminated or substantially lessened, the City Council hereby adopts the Statement of Overriding Considerations as set forth in Exhibit B hereto and incorporated herein by reference, and finds, based upon substantial evidence in the record, including but not limited to the Statement of Overriding Considerations, the specific economic, legal, social, technological and other benefits of the Project outweigh the significant effects to air quality.

Section 10. Exhibit A sets forth, and Section 3.0 of the FEIR more fully describes, a reasonable range of alternatives to the 2010 Amendment, which have been fully considered by the City Council. These alternatives include the "No Amendment Alternative"; the "Limited Redevelopment Activities Alternative," which considers reduced Agency activities in the Added Territory; the "Financing Alternative," which considers supplanting tax increment revenues with funds from a variety of other programs and sources, and the "Alternative Added Territory Alternative," which considers reduction of or enlargement of the Added Territory. As set forth in Sections 7 and 8 of this Resolution, the FEIR identifies feasible mitigation measures for each
significant impact in the FEIR that could be mitigated and in Section 9 adopts a Statement of Overriding Considerations for those impacts that could not be wholly mitigated to a level of insignificance. The City Council hereby finds that the alternatives described in the FEIR and identified in Exhibit A are not feasible because they would not achieve the basic objectives of the Amended Plan, or would do so only to a much smaller degree and therefore leave unaddressed significant social, physical and economic problems the Amended Plan is intended to eliminate. Of the reasons set forth herein in the attached Exhibit A, in the record of the City Council's proceedings or in the FEIR, none of the alternatives, including the No Amendment alternative, is environmentally superior to the 2010 Amendment because each would reduce redevelopment and blight removal activities, limit job creation, and constrain the Agency's ability to correct current deficiencies.

Section 11. The City Council hereby finds and determines that the mitigation measures and the Mitigation Monitoring Program set forth in the FEIR will mitigate or avoid all significant environmental effects that can feasibly be mitigated or avoided. The City Council hereby adopts the Mitigation Monitoring Program as set forth in Section 7.0 of the FEIR and attached hereto as Exhibit C and incorporated herein by reference. This program will be used to monitor the changes to conditions in the Amended Project Area, and should be made a condition of approval as set forth in Sections 7 and 8 above and in Exhibit A to this Resolution.

Section 12. Upon adoption of the 2010 Amendment by the City Council, the City Clerk shall cause a Notice of Determination to be filed forthwith in the Office of the County Clerk of the County of Tulare, pursuant to CEQA Guidelines Section 15094.

Section 13. The City Clerk shall certify to the passage and adoption of this Resolution and it shall thereupon take immediate effect and be in force.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Porterville on the ____ day of June, 2010.

________________________________________
Brian Ward
Vice Mayor, City of Porterville

ATTEST:

________________________________________
John D. Lollis
City Clerk, City of Porterville
EXHIBIT A

FINDINGS OF FACT
I. FINDINGS CONCERNING THE SIGNIFICANCE OF SPECIFIC ENVIRONMENTAL IMPACTS IDENTIFIED IN THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT.

Capitalized terms used but not defined in this Exhibit A shall have the meanings given in the Resolution to which this Exhibit A is attached and made part (the "Resolution") or in the FEIR as applicable.

As further provided in the Resolution the mitigation measures set forth below in this Part I of Exhibit A are each expressly approved and adopted by the City Council and the Agency and incorporated into and made requirements of the Project pursuant to the Plan Amendment.

As used below in this Part I of Exhibit A, the phrases "insignificant" or "less than significant" or similar words as found in various subsections headed "Level of Significance After Mitigation" mean, for purposes of the CEQA Guidelines, with particular reference to CEQA Guidelines, Section 15091(a)(1), that:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the Final EIR.

Please refer to the applicable sections of the FEIR, incorporated herein by reference, for additional information concerning Project impacts and required mitigation measures and further explanation of the rationale for the significance findings set forth below in this Part I of Exhibit A

A. AGRICULTURAL RESOURCES

IMPACTS

AGRICULTURE

No land included in the Added Territory is under a Williamson Act contract or is subject to any Farmland Security Zones requirements. The Amended Plan is required by law to be consistent with the General Plan, as it currently exists and as it may be amended from time to time. Adoption of the 2010 Amendment will not directly affect existing or future City General Plans, or specific plan policies and/or programs, or regulations contained within the City's Zoning Ordinance that have been established, or that may be modified, by the City Council and Planning Commission anywhere within the Added Territory, because neither the Agency nor the Amendment directly affects land use policy or regulation. There is a small amount of agricultural land which is currently in agricultural production in the Added Territory which has the potential to be converted to more urbanized uses as a result of General Plan implementation. A total of approximately 113 acres in the Added Territory have been identified as potential Prime Farmland or Farmland of Local Importance of which approximately 0.0 acres appear to be in active agricultural use.
MITIGATION MEASURES

With respect to mitigation measures for the 2030 General Plan, the General Plan concludes that conversion of Prime, Important, and Unique Farmland to urban use is not directly mitigable, aside from preventing development altogether. The General Plan policies provide a framework for preventing long-term impacts, thereby limiting conversion of important farmland areas to the minimum extent needed to accommodate long-term growth. With respect to the Added Territory, this Program EIR incorporates the policies to reduce impacts contained within the 2030 General Plan EIR being available feasible mitigation measures. No mitigation measures beyond those previously incorporated from the 2030 General Plan EIR are recommended as a condition of approval of the 2010 Amendment. Additional mitigation measures may be imposed at such time as specific projects are proposed and reviewed.

B. AIR QUALITY

IMPACTS

SHORT-TERM IMPACTS:
A specific project’s construction phase produces many types of emissions, especially particulate matter. The SJVAPCD recognizes that construction equipment also emits carbon monoxide and ozone precursor emissions; however, the SJVAPCD has determined that these emissions may cause a significant air quality impact only in the cases of very large or very intense construction projects; consequently, it is reasonable that construction impact significance should be determined on a case-by-case, site-specific project basis. Projects falling below the SJVAPCD’s pre-calculated project size/emissions thresholds qualify for what the SJVAPCD refers to as the Small Project Analysis Level (SPAL). Individual, Agency-assisted projects, as they are identified and when they occur, may well fall below the SJVAPCD’s SPAL threshold, and thus have individually insignificant short-term impacts if occurring one at a time.

LONG TERM IMPACTS:
The main sources of long-term air quality impacts due to emissions generated by Agency-assisted implementation projects will be from motor vehicles, just as build-out of the General Plan, without the 2010 Amendment, would result in increased motor vehicle emissions. Since it is unknown what particular industries or commercial operations might locate within the Added Territory, or what size or type of residential development will occur, or when, as a result of Agency assistance, accurate, non-speculative projections of potential emissions levels are not appropriate at this time and must be assessed and conducted on a project-by-project basis. All proposed Agency-assisted projects, as well as non-Agency-assisted projects, must meet development densities and intensities permitted under the General Plan, and must comply with emission standards and rules, as amended, which are regulated and controlled principally through the SJVAPCD.

MITIGATION MEASURES

The following enumerated mitigation measures are recommended as a condition of 2010 Amendment approval to be applied to future Agency-assisted, site specific projects, as appropriate and applicable.
AQ-1. Compliance with the General Plan, its policies and objectives, which are promulgated to reduce air pollutants created within the City, including the Added Territory, and which are incorporated herein by this reference.

SHORT-TERM

AQ-2. Compliance with the SJVAPCD’s Regulation VIII Control Measures For Construction Emissions of PM10 (Fugitive Dust Control), which contains construction (short-term) mitigation measures required by the SJVAPCD; these mitigation measures are incorporated herein by this reference. Individual, site-specific project implementation should coordinate regulation enforcement with the SJVAPCD.

LONG-TERM

AQ-3. Compliance with the SJVAPCD’s Rule 2201, which sets emission thresholds above which stationary pollution sources must offset all emissions down to the thresholds.

AQ-4. Compliance with SJVAPCD’s Indirect Source Review requirement, Rule 9510, which reduces the growth of NOx and PM10 emissions in the SJVAB by requiring construction and operational emissions from new development projects of certain size be reduced by certain percentages on-site, or through the payment of an offset fee to be used to gain off-site emissions reductions (addresses both short-term and long-term impacts)

AQ-5. Implement all feasible mitigation measures, as may be appropriate, to reduce the amount of ozone precursors that will result from Project implementation.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

The proposed Project is found to have unavoidable significant impacts upon Air Quality Resources which cannot be reduced to a less than significant level even with the inclusion of mitigation measures recommended as condition of Project approval. Therefore, in order to proceed with adoption of the Amendment a statement of overriding considerations would be required pursuant to CEQA Guidelines, Section 15093 in certifying the EIR prior to such adoption.

C. BIOLOGICAL RESOURCES

IMPACTS

Redevelopment in the Added Territory could assist in encouraging private development and financing public improvements necessary for development pursuant to the General Plan. Approximately 207 acres of vacant (undeveloped) land, 9.5 acres of land in existing apparent agricultural use (approximately 55 of these acres are designated by the General Plan as Parks and Recreation or Commercial Recreation land uses), and 24 acres of previously urbanized land existing in the 1,520-acre Added Territory, or approximately 16 percent. The remainder is urbanized, consisting of existing commercial, industrial, residential and public land uses. To the extent that these small
pockets of undeveloped or marginally developed parcels contain vestiges of habitat, special status species or wetlands, such Agency-implemented redevelopment activities, and development either directly or indirectly supported by redevelopment, could result in the removal of vegetation in the Added Territory, and could involve encroachment into or construction of infrastructure within remaining sensitive habitats. This is a potentially significant impact.

Any alterations of State regulated waters (e.g., the Tule River) and immediately adjacent riparian vegetation must be in conformance with Section 1600 of the State Fish and Game Code. Compliance with this regulation would include the preparation of mitigation plans that provide for no net loss of CDFG-regulated riparian habitat along the Tule River through the avoidance, creation, restoration, enhancement, and/or preservation of riparian habitat. Therefore, securing the required Streambed Alteration Agreement (SAA) would protect the hydrology and ecology of the River and ensure no net loss of riparian habitat along or within the river. General Plan implementation policies OSC-I-29, 31, 35 and 36 were adopted to ensure identification of any wetlands within the riparian habitats prior to any construction and to mitigate temporary and permanent impacts on riparian habitat within the City Planning Area, including areas not covered by Section 1600 of the Fish and Game Code. This would occur through the identification of the amount of riparian habitat removed and then the creation, restoration, enhancement, and/or preservation of riparian habitat; and the development of a detailed mitigation and/or restoration plan to offset loss of this community that would monitor it's success, and ensure that once mitigated or preserved, these sensitive communities are appropriately protected from disturbance. The results of this effort, in combination with compliance with State Fish and Game Code, NPDES Regulations, local water quality, and runoff standards regulations, would be either avoidance of existing features, or on- or off-site mitigation as permitted by the regulatory agencies. With implementation of these mitigation measures and compliance with state and federal regulations, the direct impact to sensitive riparian habitats is less than significant.

According to the General Plan EIR, "[s]ome development that may occur [in the 36,000-acre Planning Area] under the proposed General Plan is located along the outskirts of the urbanized areas on previously undeveloped sites, but this would not result in the exclusion of species from their normal migration routes. No development is proposed directly within the Tule River channel on any watercourse, and therefore, would not interfere with the movement of any fish species. Therefore, development within the planned urban areas would not interfere with the movement of fish or other wildlife species that migrate through the already urbanized areas of the City, and impacts would be less than significant."

MITIGATION MEASURES

In addition to General Plan Open Space and Conservation Element Implementation Policies OSC-I-26 through 29, 31, and 35-36 identified above, the following mitigation measures will ensure that potential impacts to remaining habitat, special status species or wetlands on vacant or undeveloped land in the Added Territory are reduced to less than significant levels.

B-1. Prior to site-specific project development approval, a qualified biologist shall be retained by the project proponent to prepare a site-specific biological survey to determine the potential presence of wetlands, special status species, and/or suitable habitat for special status species and application of the appropriate "no net loss" mitigation measures for any identified impacts on same.
B-2. No physical alteration of a development site or issuance of building permits shall occur within potentially biologically sensitive areas until evidence is submitted for review and approval by the Agency and the City Planning Division that either no listed flora or fauna species are present, or areas containing habitat for listed species have been avoided, or if avoidance is not possible, that all required consultations with the USFWS and/or CDFG have occurred pursuant to the FESA and CESA, and evidence is provided of any necessary permits, approvals, or agreements from USACE and CDFG for removal of any wetland or riparian habitat and/or associated drainages. Future proposed development engendered by redevelopment shall be consistent with the provisions of any required consultations and associated permits or agreements.

B-3 No physical alteration of a development site or issuance of building permits shall occur within existing grasslands or riparian areas until a breeding season survey is conducted by a qualified biologist during spring or early summer (from March 1 through August 15, before development activity takes place) near annual grasslands, large trees, and riparian areas.

B-4 On parcels containing potential wetlands, a USACE verified wetland delineation and jurisdictional determination of the parcel shall be completed before any earthmoving or grading activities within or adjacent to potential jurisdictional wetlands and drainages. If the USACE determines that areas on the project site are jurisdictional, all work proposed in these areas shall be authorized by permits from the USACE. All applicable permits from the CDFG and RWQCB will also be obtained before construction in areas under the jurisdiction of these agencies, and provided to the Agency and City Planning Department prior to the initiation of ground disturbing activities or other construction activities.

B-5 If construction activities occur within any creek channel, ditches with a defined bed and bank, or within the riparian woodland drip line, the project sponsor shall obtain the appropriate permits from the CDFG. The project sponsor shall provide proof to the Agency and City Planning Division of compliance with the terms and conditions of the permits prior to issuance of the grading permit and prior to any construction in jurisdictional waters.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Although the habitat value in the Added Territory is low, development within the Added Territory will be required to participate in mitigation plans approved by the State resource agencies if need be, which would replace lost habitat and preserve contiguous areas of habitat. In addition, development within the Added Territory would implement mitigation measures specifically designed to avoid, reduce, or mitigate impacts to special status/sensitive species and their habitat. Implementation of adopted mitigation measures on a project by project basis, in combination with compliance with General Plan Open Space and Conservation Implementation Policies, CESA, FESA, CWA Regulations, NPDES permit requirements, and the Fish and Game Code of California, reduce potential cumulative losses to the regional special-status and sensitive plant and wildlife and their habitat. Therefore, the 2010 Amendment would have a less-than-significant impact on special status species and their habitat.
II. FINDINGS CONCERNING THE PROJECT ALTERNATIVES

The following are summaries of alternatives to the Project, as currently proposed, which are examined in more detail in Section 3.0 of the FEIR.

NO AMENDMENT ALTERNATIVE

The No Amendment alternative would generate less intense development within the Added Territory, and therefore fewer environmental impacts. However, abandonment of the Amended Plan will not stop all development in the Added Territory and the environmental consequences resulting from implementation of those, as of yet undescribed development actions, will necessarily follow. Moreover, abandonment of the Amendment as proposed will deprive the Agency of the means to ameliorate the existing conditions of blight in the Added Territory, and to build the facilities necessary to avoid the more severe environmental consequences that could be attributed to "piecemeal" development which could exceed the available capacity of public infrastructure. Thus, the No Amendment alternative is not environmentally superior to the 2010 Amendment because, in actuality it would involve only a marginally lesser degree of redevelopment/development, albeit that would occur in a more piecemeal and unstructured fashion. Development of this fashion would not likely benefit from Agency-supported facility improvements, such as roadways, flood control facilities, and the like, which condition would in and of itself cause or be impacted by unacceptable environmental consequences.

ALternative ADDED TERRITORY ALTERNATIVE

An "Alternative Added Territory Alternative," one that would consist of either more or fewer parcels than that number selected for the Project, does not take into consideration that the Added Territory Area, as proposed, was selected based upon existing conditions and an identified need for redevelopment.

An extension of Added Territory boundaries is not environmentally superior to the Amendment, as proposed, because the environmental benefits of the proposed Amendment that would be realized as a consequence of the implementation of the projects and programs included in Appendix B, might not be fully implemented if this alternative were selected. An extension of Added Territory boundaries as proposed is inappropriate because a larger Added Territory would have greater environmental consequences (due to more intense development of a broader area) without providing social and economic benefits comparable to those of the Amendment, and is therefore not environmentally superior to the Amendment.

The deletion of residential properties is not environmentally superior to the Amendment as proposed because the benefits of the Amendment that can realistically be expected to occur as the result of the long-term implementation of the projects and programs included in Appendix B of this EIR, such as: i) implementing the General Plan and facilitating creation of a more cohesive and better functioning community, ii) improving circulation, utilities and other infrastructure deficiencies, iii) improving existing community services and facilities as necessary, and to provide new services as necessary to complement redevelopment. These benefits of the Amendment outweigh the environmental benefits of the alternative to the Amendment which would include reduced traffic generation, reduced wastewater generation, reduced air contaminants, and reduced water consumption.
LIMITED REDEVELOPMENT ACTIVITIES ALTERNATIVE

The Limited Redevelopment Activities alternative is not an environmentally superior alternative to the Amendment because the environmental benefits of the Limited Redevelopment Activities, such as a decrease in short-term impacts and long-term impacts are outweighed by the concomitant negative impacts that would result from limited redevelopment activity such as: 1) increased growth impacts on existing public facilities without upgrading those facilities and 2) the restrictions on the Agency's ability to mitigate current infrastructure deficiencies and undertake aesthetic improvements in the Added Territory.

FINANCING ALTERNATIVE

Various financing programs, as an alternative to the 2010 Amendment adoption, might include Revenue Bonds, Community Development Block Grant funds, Economic Development Administration funds, special assessment districts, such as Infrastructure Financing Districts (IFDs), and/or other County, State and federal assistance and funding programs, some of which are currently being used, as available and permitted by law. Although most of these programs may be used to supplement the tax increment financing enabled by the CCRL through redevelopment, each financing program, taken alone, has inherent limitations and disadvantages; therefore, reliance on any of these sources as a sole financing tool is not considered feasible. Existing disadvantages associated with the Financing Alternative would jeopardize the Amendment's long-term implementation and prevent the Agency from being able to effect positive economic and physical changes within the Added Territory. Therefore, this alternative would allow existing conditions of deficiency, which negatively affect the proper utilization of the Added Territory, to continue without a substantial means of abatement. In contrast, adoption of the Amendment will lead to a steadily available source of funding through tax increment revenues for an extended period of time. Additionally, to obtain increased benefits, the Plan Amendment allows the Agency to take advantage of all available financing sources and programs allowed by law, in addition to its tax increment receipts in order to effect redevelopment of the Added Territory. Moreover, the CCRL requires that the Agency give consideration to alternative financing sources when it proposes to provide public facilities and improvements with tax increment revenues, in effect causing the examination of alternative financing sources throughout the term of the Amended Plan.

CONCLUSION

The Agency's primary goal is to eliminate blight within the Added Territory. The No Amendment Alternative will not achieve this goal, because blight in the Added Territory could not be addressed through Agency redevelopment assistance. The Financing Alternative, the Limited Redevelopment Activities Alternative and the Alternative Added Territory Alternative would each achieve the Agency's goal in part, but the ultimate success of the Agency's redevelopment effort would be limited by the specific constraints imposed by each alternative. In the end, all alternatives to the Project, including the No Amendment Alternative, fall short of achieving the Agency's goal of neighborhood revitalization and economic improvement through blight elimination in the Added Territory.
EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS
STATEMENT OF OVERRIDING CONSIDERATIONS

Capitalized terms used but not defined in this Exhibit B shall have the meanings given in the Resolution to which this Exhibit is attached and made a part, or the FEIR, as applicable.

As detailed in Section 2.3 of the FEIR, the Project is expected to create a significant, unavoidable and adverse impact on Air Quality, even after adoption and implementation of all relevant mitigation measures. This Exhibit B constitutes the Statement of Overriding Considerations of the City Council and Agency in connection with the significant, unavoidable and adverse impacts of the Project on Air Quality, made in accordance with CEQA Guidelines, Section 15093.

The City Council and Agency have carefully and independently considered the significant, unavoidable and adverse impacts to Air Quality in deciding whether to approve the Project. Although the City Council and Agency believe that the unavoidable impacts will be lessened by the mitigation measures incorporated into the Project, each recognizes that approval of the Project will nonetheless result in certain unavoidable and potentially irreversible effects.

The City Council and Agency have weighed the benefits to the community of the Project against its environmental risks. The City Council and Agency each specifically find that, to the extent that any adverse or potentially adverse impact has not been mitigated to a level of insignificance, that specific economic, social, legal, environmental, technological or other benefits of the project outweigh the significant effects on the environment. Furthermore, the City Council and Agency each find that any and each of the following considerations is sufficient to approve the Project despite any one or more of the unavoidable impacts to Air Quality identified; that each of the overriding considerations is adopted with respect to each of the impacts individually; and that each consideration is severable from any other consideration should one or more considerations be shown to be legally insufficient for any reason. The following considerations support approval of the Project:

1. The Project will remedy, remove and prevent physical and economic blighting influences which are present in the Added Territory.

2. The Project will encourage increased employment and business opportunities through environmental and economic improvements resulting from the redevelopment activities.

3. The Project will provide for the rehabilitation of commercial and manufacturing structures and residential dwelling units.

4. The Project will revitalize neighborhoods by providing for participation in the redevelopment of property by owners who agree to so participate in conformity with the Plan Amendment.

5. The Project will provide public infrastructure improvements and community facilities, such as the installation, construction and/or reconstruction of streets, utilities, public buildings, facilities, structures, street lighting, landscaping and other improvements which are necessary for the effective redevelopment of the Added Territory.

6. The Project will increase, improve and preserve the community's supply of affordable housing available to eligible families and persons.
7. The Project will encourage the redevelopment of the Added Territory through the cooperation of private enterprise and public agencies.

8. Implementation of the Amended Plan will ensure the development and redevelopment of the Added Territory in a manner consistent with the goals and policies of the City's General Plan, as applicable.

9. Implementation of the Amended Plan will protect the safety of people living and working within the Added Territory by improving the seismic safety features of existing buildings and infrastructure.
EXHIBIT C

MITIGATION MONITORING & REPORTING PROGRAM
The following Mitigation Monitoring & Reporting Program is excerpted from Section 7.3 of the FEIR for the Project.

### AMENDMENT TO THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1 (A REDEVELOPMENT PROJECT) MITIGATION MONITORING & REPORTING PROGRAM

<table>
<thead>
<tr>
<th>MITIGATION MEASURES</th>
<th>RESPONSIBLE ENTRIT(IES)</th>
<th>ENFORCEMENT AGENCY(IES)</th>
<th>MONITORING PHASE(S)</th>
<th>MONITORING AGENCY(IES)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.3 AIR QUALITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The following mitigation measures are recommended as a condition of Amendment adoption:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-1. Compliance with the General Plan, its policies and objectives, which are promulgated to reduce air pollutants created within the City, including the Added Territory, and which are incorporated herein by this reference.</td>
<td>Project Applicant</td>
<td>City of Porterville</td>
<td>Pre-Construction</td>
<td>Porterville Community Development Department</td>
</tr>
<tr>
<td></td>
<td>Developer</td>
<td>Redevelopment Agency of the City of Porterville</td>
<td>Construction</td>
<td>San Joaquin Valley Unified Air Pollution Control District</td>
</tr>
<tr>
<td></td>
<td>Redeveloper</td>
<td>San Joaquin Valley Unified Air Pollution Control District</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SHORT-TERM</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-2. Compliance with the SJVAPCD's Regulation VIII Control Measures For Construction Emissions of PM$_{10}$ (Fugitive Dust Control), which contains construction (short-term) mitigation measures required by the SJVAPCD; these mitigation measures are incorporated herein by this reference. Individual, site-specific project implementation should coordinate regulation enforcement with the SJVAPCD.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>LONG-TERM</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-3. Compliance with the SJVAPCD's Rule 2201, which sets emission thresholds above which stationary pollution sources must offset all emissions down to the thresholds.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-4. Compliance with SJVAPCD's Indirect Source Review requirement, Rule 9510, which reduces the growth of NOx and PM$_{10}$ emissions in the SJVAS by requiring construction and operational emissions from new development projects of certain size be reduced by certain percentages on-site, or through the payment of an offset fee, to be used to gain off-site emissions reductions (addresses both short-term and long-term impacts)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ-5. Implement all feasible mitigation measures, as may be appropriate, to reduce the amount of ozone precursors that will result from Project Implementation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2.5 BIOLOGICAL RESOURCES

The following mitigation measures are recommended as a condition of Amendment adoption:

B-1. Prior to site-specific project development approval in potentially biological sensitive areas, a qualified biologist shall be retained by the project proponent to prepare a site-specific biological survey to determine the potential presence of wetlands, special status species, and/or suitable habitat for special status species and application of the appropriate "no net loss" mitigation measures for any identified impacts on same.

B-2. No physical alteration of a development site or issuance of building permits shall occur within potentially biologically sensitive areas until evidence is submitted for review and approval by the Agency and the City Planning Department that either no listed flora or fauna species are present, or areas containing habitat for listed species have been avoided, or if avoidance is not possible, that all required consultations with the USFWS and/or CDFG have occurred pursuant to the FESA and CESA, and evidence is provided of any necessary permits, approvals, or agreements from USACE and CDFG for removal of any wetland or riparian habitat and/or associated drainages. Future proposed development engendered by redevelopment shall be consistent with the provisions of any required consultations and associated permits or agreements.

B-3. No physical alteration of a development site or issuance of building permits shall occur within existing grasslands or riparian areas until a breeding season survey is conducted by a qualified biologist during spring or early summer (from March 1 through August 15, before development activity takes place) near annual grasslands, large trees, and riparian areas.

B-4. On parcels containing potential wetlands, a USACE verified wetland delineation and jurisdictional determination of the parcel shall be completed before any earthmoving or grading activities within or adjacent to potential jurisdictional wetlands and drainages. If the USACE determines that areas on the project site are jurisdictional, all work proposed in these areas shall be authorized by permits from the USACE. All applicable permits from the CDFG and RWQCB will also be obtained before construction in areas under the jurisdiction of these agencies, and provided to the Agency and City Planning Department prior to the initiation of ground disturbing activities or other construction activities.

B-5. If construction activities occur within any creek channel, ditches with a defined bed and bank, or within the riparian woodland dripline, the project sponsor shall obtain the appropriate permits from the CDFG. The project sponsor shall provide proof to the Agency and City Planning Department of compliance with the terms and conditions of the permits prior to issuance of the grading permit and prior to any construction in jurisdictional waters.
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING AND ADOPTING THE 2010 AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT
PROJECT NO. 1

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

WHEREAS, the City Council subsequently amended the Plan by adoption of Ordinance No. 1504 on December 15, 1994, for the purpose of establishing time limits in accordance with the requirements of the Community Redevelopment Reform Act of 1993 (Assembly Bill 1290), and later by adoption of Ordinance No. 1655 on July 6, 2004, for the purposes of i) deleting territory from the Original Project Area (thereby resulting in what is hereinafter referred to as the "Existing Project Area"); and ii) eliminating the time limit on the Porterville Redevelopment Agency’s establishment of loans, advances, and indebtedness, as authorized by then recently adopted Senate Bill 211; and

WHEREAS, the above recited Ordinances, including the findings and determinations made by the City Council therein, are made part hereof by reference, and are final and conclusive, there having been no action timely brought to question the validity of said redevelopment plan adoption and amendments; and

WHEREAS, the City Council and the Porterville Redevelopment Agency (the "Agency") have initiated proceedings to amend the "2010 Amendment" the Plan, as previously amended, for the purposes of i) adding territory (the "Added Territory") to the Existing Project Area, thereby creating the “Amended Plan” and the “Amended Project Area”; ii) reinstating limited Agency eminent domain authority specific to the Existing Project Area; and iii) modifying the Plan’s projects and programs list specific to the Existing Project Area, as appropriate and necessary; and

WHEREAS, the City Council has received from the Agency the Amended Plan, dated June 2010, and entitled, “The Amended and Restated Redevelopment Plan for the Porterville Redevelopment Project Area No. 1,” a copy of which is on file at the office of the City Clerk, who is the custodian of records, together with the Agency’s Report to the City Council (the "Report to Council") prepared pursuant to CCRL Sections 33457.1 and 33352 and entitled, “Report to the City Council for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1”, which includes, among other things: i) the reasons for including the Added Territory in the Amended Project Area; ii) a description of the physical and economic conditions existing in the Added Territory and continuing to exist in the Existing Project Area, iii) an implementation plan; iv) an explanation why the elimination of blight and the redevelopment of the Amended Project Area, including the Added Territory, cannot reasonably be expected to be accomplished by private enterprise acting alone, or by the use of alternative financings; v) the proposed method of financing the redevelopment of the Added Territory, vi) a plan for the relocation of families and persons who may be temporarily or permanently displaced from
housing facilities in the Added Territory; vii) an analysis of the Preliminary Plan for the 2010 Amendment required by CCRL Sections 33322, et seq.; viii) the report and recommendations of the Planning Commission of the City (the "Planning Commission") as to the conformity of the Amended Plan to the City's General Plan, including the General Plan Housing Element, in accordance with Government Code Section 65402; ix) the Owner Participation Rules; x) the Final Program Environmental Report (FEIR) prepared in accordance with Public Resources Code Section 21151; xi) the Report of the County Fiscal Officer pursuant to CCRL Section 33328; xii) a neighborhood impact report, xiii) the Agency's analysis of the report required by CCRL Section 33328, including a summary of consultations with affected taxing entities; and

WHEREAS, the Amended Plan does not authorize the Agency to acquire any property in the Amended Project Area on which any persons reside through the use of eminent domain, and the Amended Plan does not propose public projects that would displace a substantial number of low-or moderate-income persons; therefore, the Agency, by adoption of its Resolution No. PRA 2009-04 on June 2, 2009, determined that a Project Area Committee (PAC) was not required to be formed in connection with the 2010 Amendment pursuant to CCRL Section 33385; however, in accordance with CCRL Section 33385(f), the Agency conducted public workshops and transmitted information about the 2010 Amendment, specifically, and about redevelopment, generally, to property and business owners, residents and tenants in the Amended Project Area to elicit public participation; and

WHEREAS, by its Resolution No. 38-2010 adopted April 6, 2010, the Planning Commission approved its report (the "Conformity Report") finding that the Amended Plan is consistent with and conforms to the City's General Plan as required by the CCRL, and the Conformity Report has been submitted to the City Council with the Planning Commission's recommendation that the City Council adopt the 2010 Amendment; and

WHEREAS, the City Council and the Agency held a joint public hearing on the adoption of the 2010 Amendment in accordance with the requirements of the CCRL and certification of the FEIR in accordance with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code Section 21000, et seq., hereafter referred to as the "CEQA Statutes," and Title 14 California Code of Regulations, Section 15000 et. seq., hereafter referred to as the "CEQA Guidelines") on June 1, 2010, in the City Council Chambers, Porterville City Hall, located at 291 North Main Street, Porterville, California, 93257, for the purpose of hearing public testimony from all interested persons and organizations and receiving all written communications (if any) from interested persons and organizations on the 2010 Amendment and the FEIR; and

WHEREAS, notice of said joint public hearing was duly and regularly published in the Porterville Recorder, a newspaper of general circulation in the City, once a week for four successive weeks prior to the date of said hearing, and copies of said notices and affidavits of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint public hearing were mailed by first class mail to the last known address of each assesse as shown on the last equalized assessment roll of the County of Tulare for each parcel of land in the Amended Project Area, and to all known residents, tenants and businesses within the Amended Project Area, including the Added Territory, not less than 30 days prior to the date of commencement of said joint public hearing; and
WHEREAS, each assessee in the Amended Project Area whose property could be subject to acquisition by purchase or condemnation under the provisions of the Amended Plan was sent a notice to such effect attached to the notice of the joint public hearing, including a map of the Amended Project Area, including the Added Territory; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Amended Project Area; and

WHEREAS, the Agency and the City Council have each independently found and determined that the 2010 Amendment may create significant impacts to Agricultural Resources, Air Quality, and Biological Resources, and mitigation measures and a mitigation monitoring program are required to be incorporated into the 2010 Amendment to avoid or substantially lessen environmental effects, except for impacts to Air Quality; and

WHEREAS, as to the unavoidable impacts to Air Quality identified in the FEIR, which could not be eliminated or substantially lessened, the Agency and the City Council have each adopted a Statement of Overriding Considerations pursuant to CEQA, and specifically CEQA Guidelines Section 15093; and

WHEREAS, the Agency and the City Council have each independently found and determined, based, in part, upon input received from the Planning Commission, which body reviewed the Draft Program EIR, that project alternatives not incorporated into the 2010 Amendment (including the "No Project" Alternative) were not environmentally superior, would not result in significantly fewer or less pronounced environmental impacts when compared to the 2010 Amendment, and are infeasible based upon specific economic, social or other considerations as set forth in the FEIR; and

WHEREAS, the Agency, as the “lead agency”, as defined in CEQA Statutes Section 21067, and the City Council, as the responsible agency, have each certified the adequacy of the FEIR submitted pursuant to CEQA, and specifically, CEQA Statutes, Section 21151 and have each made necessary findings and determinations; and

WHEREAS, the City Council has considered the report and recommendation of the Planning Commission, the Agency's Report to Council, the Amended Plan and its economic feasibility, and the FEIR; has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the 2010 Amendment; and, as appropriate, has made written findings in response to each written objection (if any) of an affected property owner or taxing entity filed with the City Clerk prior to the conclusion of the joint public hearing (to the extent any such written objections were received).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above facts are true and correct and a substantive part of this Ordinance.
SECTION 2. The Amended Plan, dated June 2010, and entitled, "The Amended and Restated Redevelopment Plan for the Porterville Redevelopment Project Area No. 1," on file in the office of the City Clerk of the City of Porterville and hereby incorporated by this reference, is designated the official redevelopment plan of the Amended Project Area.

SECTION 3. As established in the Amended Plan, the purposes and intent of the City Council are to eliminate conditions of blight in the Amended Project Area, and to prevent their reoccurrence and to accomplish to the greatest extent feasible the following actions:

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 Amended 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 Amended 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 [Amended] Project Area; and

(19) Provide for the rehabilitation of residential, commercial, and industrial structures throughout the Amended Project Area.

SECTION 4. Based on the record of the joint public hearing on the 2010 Amendment, and the various reports and other information provided to the Planning Commission, the Agency, and the City Council, including, but not limited to, the Agency's Report to Council prepared in connection with the 2010 Amendment, and all documents referenced therein, the City Council hereby makes the following findings and determinations as warranted by the 2010 Amendment:

(a) The evidence upon which the below determinations are made is clearly articulated and fully documented and is specific and quantifiable in full compliance with all laws and regulations.

(b) The Added Territory is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the CCRL. The Added Territory is characterized by a combination of conditions which are so prevalent and so substantial that it causes a reduction of, and lack of, proper utilization of the area to such an extent that it constitutes a serious physical and economic burden on the community which cannot be expected to be reversed or alleviated by private enterprise or governmental action, or both, without redevelopment.

This finding is based, in part, on the information and analysis contained in Sections 5.0 and 8.0 of the Report to Council, and on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities and other actions required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action without redevelopment.

(c) Significant blight remains in the Existing Project Area, the redevelopment of which is necessary to effectuate the public purposes declared in the CCRL.

Since the adoption of the Original Project Area, the Agency has made efforts to eliminate conditions of blight by funding needed infrastructure, providing housing, housing rehabilitation, and public facilities, and assisting existing businesses and providing incentives for new development. However, many of the blighting conditions remain to a significant extent and there continues to be a substantial need to eliminate deficient public facilities and other blighting conditions within the Existing Project Area that cannot be accomplished by private enterprise or governmental action, or both, without redevelopment. Furthermore, the City Council hereby finds that such remaining blight cannot be eliminated without the use of eminent domain. These findings are based, in part, on the information and analysis contained
in Sections 5.0, 8.0 and 9.0 of the Report to Council, the testimony received at the joint public hearing, and the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities and other actions required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action.

(d) The Added Territory is a predominantly "urbanized" area, as defined in Sections 33320.1(b)(1) and (2) of the CCRL. This finding is based upon information contained in Section 4.0 of the Report to Council, which demonstrates that not less than eighty percent (80%) of the property in the Added Territory has been or is developed for urban uses or is an integral part of one or more areas developed for urban uses which are surrounded or substantially surrounded by parcels which have been or are developed for urban uses.

(e) The finding and determination required by Section 33367(d)(12) is not warranted by the 2010 Amendment with respect to the Existing Project Area because the Agency previously documented that the Original Project Area was a predominantly urbanized area as defined in CCRL Section 33320.1(b).

This finding is further based on the City Council's earlier findings in Ordinance No. 1436, which found the Original Project Area to be predominantly urbanized as described above. The decision by the City Council in connection with the adoption of the Original Project Area is final and conclusive and subsequent to such adoption date it has been, is and shall be conclusively presumed that the portion of the Original Project Area which remains in the Existing Project Area is urbanized.

(f) The Amended Plan would redevelop the Amended Project Area in conformity with the CCRL and in the interests of the public peace, health, safety and welfare. The implementation of the Amended Plan will assist in the elimination of conditions of blight within the Amended Project Area and prevent their recurrence. The Amended Plan also provides for the rehabilitation of public and private structures, provision of low- and moderate-income housing and economic development. These improvements and programs are essential to encouraging private investment and eliminating the conditions of blight in the Project Area and preventing their recurrence. This finding is based, in part, on the information and analysis contained in Section 2.1 of the Report to Council.

(g) The adoption and implementation of the Amended Plan is economically sound and feasible. This finding is based, in part on the information and analysis contained in Section 8.0 of the Report to Council, and on the fact that under the Amended Plan, the Agency will be authorized to seek and utilize a variety of potential financing resources, including property tax increment revenues. The nature and timing of redevelopment activities will depend on the amount and availability of such financing resources, including tax increment revenue generated in the Amended Project Area. No redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity and that sufficient public and private financial resources, when taken together with tax increment revenue, will be available to carry out the proposed redevelopment activities of the Agency.
The Agency will issue its tax increment bonds or other obligations payable from tax increment revenues only when such revenues are projected to be available to the Agency in amounts sufficient to pay for the principal of and interest on such bonds and other obligations. In addition, there are available to the Agency other methods of financing its redevelopment activities, including, but not limited to, bonds issued pursuant to CCRL Sections 33750 or 33641(d). The Agency may receive financial assistance from the County of Tulare, State of California, the federal government, and any other public agency. As available, other funds also may be used to pay the costs of the Agency's redevelopment activities, including, but not limited to, a variety of federal and State programs through which loans or grants to the Agency would be possible.

(h) The Amended Plan conforms to the City's General Plan, including, but not limited to, the General Plan's Housing Element, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code, as set forth in the findings of the Planning Commission in Resolution No. 38-2010 adopted April 6, 2010. The Amended Plan proposes land uses and public improvements contemplated by the General Plan and it is consistent with the goals, policies and implementation programs of the General Plan.

(i) The implementation of the Amended Plan would promote the public peace, health, safety and welfare of the community, and would effectuate the purposes and policies of the CCRL. The implementation of the Amended Plan would assist in the elimination of conditions of blight within the Amended Project Area. This finding is based in part on Sections 2.1, 9.0, 10.0 and 11.0 of the Report to Council, and on the fact that the Amended Plan provides for the installation and construction of certain public improvements and community facilities, the rehabilitation of certain public and private structures, economic development, provision of low-and moderate-income housing for eligible persons and families and economic development.

(j) As provided by law, the Amended Plan provides for condemnation of property in the Amended Project Area; however, such authority is restricted to properties on which no persons reside. Such authority is necessary to the execution of the Amended Plan and adequate provisions have been made for property to be acquired as provided by law. To facilitate redevelopment, the Agency may need to assemble parcels to produce more cohesive and economically feasible development within the Amended Project Area. The Agency is required to comply with all State laws pertaining to a public agency acquiring real property, whether acquisition is by condemnation or negotiation, and these laws require paying just compensation for all real property. The Agency shall not proceed with any voluntary acquisition of real property for which funds are not available.

(k) The Agency proposes no displacement of persons; however, in the event any displacement should occur, the Agency has adopted a feasible method and plan for the relocation of families and persons who might be displaced temporarily or permanently from housing facilities, if any, in the Added Territory, which incorporates the California Relocation Assistance and Real Property Acquisition Guidelines. The Agency also has a feasible method and plan for its relocation of businesses in the event such relocation may occur. This finding is based, in part, on Sections 13.0 and 20.0 of the Agency's Report to
Council; upon the fact that the Agency has adopted a plan for relocation of families, persons and businesses affected by Agency projects in the Added Territory; upon the fact that the Amended Plan provides for relocation assistance according to law ("Relocation Guidelines"); and the fact that such assistance, including relocation payments, constitutes a feasible method for relocation. With respect to the Existing Project Area, the Agency adopted similar plans for relocation of families, persons and businesses affected by Agency projects in the Existing Project Area and has provided for relocation assistance according to law.

(l) There are, or shall be provided, within the Amended Project Area or in other areas not generally less desirable with regard to public utilities and public and industrial and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Amended Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based, in part, upon the information contained in the Amended Plan and Sections 13.0 and 20.0 of the Report to Council that no persons are expected to be displaced as a result of the implementation of the Amended Plan, and that even if some persons were to be displaced, there are sufficient existing dwellings which would be available to persons displaced by the implementation of the Amended Plan.

(m) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to CCRL Sections 33411 and 33411.1. Dwelling units housing persons and families of low or moderate income shall not be removed or destroyed prior to the adoption of a replacement housing plan pursuant to CCRL Sections 33334.5, 33413, and 33413.5. This finding is based, in part, on the information and analysis contained in Sections 13.0 and 20.0 of the Report to Council, and upon the fact that the Agency has adopted a plan for relocation of families, persons and businesses affected by Agency projects, and upon the fact that the Amended Plan provides for relocation assistance according to law, and the fact that such assistance, including relocation payments, constitutes a feasible method for relocation (see also finding (k) above).

(n) With respect to the Added Territory, inclusion of any lands, buildings, or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part, and any such area is not included solely for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to CCRL Section 33670 without other substantial justification for its inclusion. This finding is based, in part, on the information and analysis contained in Sections 2.3, 5.0, and 6.0 of the Report to Council, and upon the fact that all properties within the Added Territory boundaries were included because they were underutilized because of blighting influences, or were detrimentally affected by the existence of blighting influences, or were necessary either to accomplish the objectives and benefits of the Amended Plan, or because of the need to impose uniform requirements on the Added Territory as a whole.

(o) The Added Territory is comprised of seven non-contiguous land areas, six of which are contiguous to the Existing Project Area. These non-contiguous areas are either blighted or necessary for effective redevelopment and are not included for the purpose of obtaining
the allocation of taxes pursuant to CCRL 33670 without other substantial justification for their inclusion. This finding is based, in part, on the information and analysis contained in Sections 2.3, 5.0 and 6.0 of the Report to Council.

The finding and determination required by Section 33367(d)(9) is not warranted by the 2010 Amendment with respect to the Existing Project Area, because the Agency previously documented that the Original Project Area was either blighted or necessary for effective redevelopment. This finding is further based on the City Council's earlier findings contained in Ordinance No. 1436, which found that the Original Project Area was blighted area or necessary for effective redevelopment and was not included for the purpose of obtaining the allocation of taxes pursuant to CCRL 33670 without other substantial justification.

(p) The elimination of blight and the redevelopment of the Amended Project Area could not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based, in part, on the information and analysis contained in Sections 5.0, 6.0, 8.0 and 9.0 of the Report to Council, and upon the existence of blighting influences, as described in the Agency's Report to Council, including the lack of adequate public improvements and facilities, and the inability of individual owners and developers to economically remove these blighting influences without substantial public assistance.

(q) The time limitation and limitation on the number of dollars to be allocated to the Agency that are contained in the Amended Plan with respect to the Added Territory are reasonably related to the proposed projects to be implemented in the Added Territory, and are reasonable related to the ability of the Agency to eliminate blight within the Amended Project Area. This finding is based upon the information and analysis contained in Sections 8.0, 9.0, 10.0, and 11.0 of the Report to Council.

(r) The implementation of the Amended Plan will improve or alleviate the physical and economic conditions of blight in the Amended Project Area. This is based on information contained in the Report to Council as well as other evidentiary material before the City Council as described herein. The Report to Council describes that there are existing physical and economic conditions of blight in the Amended Project Area (Section 5.0), how implementation of the Amended Plan can alleviate these conditions (Sections 9.0, 10.0, and 11.0), and that Amended Plan implementation is financially feasible (Section 8.0).

(s) Based upon the record of the joint public hearing held on the 2010 Amendment and the various reports and other information provided to the City Council, the City Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Added Territory may be displaced and that pending the development of such facilities there will be available to such occupants who may be displaced adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

The finding and determination required by Section 33367(e) is not warranted by the 2010 Amendment with respect to the Existing Project Area. This finding is based on the City Council's earlier findings contained in Ordinance No. 1436, which found that permanent housing facilities would be available within three years from the time occupants of the
Existing Project Area may be displaced and that pending the development of such facilities there would be available to such occupant who may be displaced adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

SECTION 5. The City Council is satisfied and therefore finds and determines that its findings and determinations, as set forth above, are all the findings and determinations warranted under CCRL Section 33367 by the Amended Plan.

SECTION 6. In accordance with CCRL Section 33342.7, a description of the Agency's program and limited authority to acquire property by eminent domain within the Existing Project Area and the Added Territory is set forth in its entirety in Sections 402 and 403 of the Amended Plan, which has been incorporated in its entirety herein. The Agency's program to acquire real property by eminent domain may be amended only by amending the Amended Plan pursuant to the requirements of CCRL Section 33450 et seq.

SECTION 7. Written objections (if any) to the Amended Plan filed with the City Clerk before the hour set for the joint public hearing, and all written and oral objections (if any) presented to the City Council at the joint public hearing having been considered and, in the case of written objections (if any) received from Amended Project Area property owners, occupants, and affected taxing agencies, having been responded to in writing as appropriate, are hereby overruled.

SECTION 8. The FEIR, a copy of which is on file in the office of the Agency and in the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated into this Ordinance by reference and made a part hereof. Mitigation measures have been recommended and a mitigation monitoring program has been proposed for Agency activities in the Added Territory; however, the Agency shall undertake such additional environmental review or assessment as appropriate and necessary at the time of proposed redevelopment implementation activities.

SECTION 9. The Amended Plan, including the maps contained therein, and such other reports as are incorporated therein by reference, a copy of which is on file in the office of the Agency and the office of the City Clerk, having been duly reviewed and considered is hereby incorporated into this Ordinance by reference and made a part hereof, and as so incorporated is hereby designated, approved, and adopted as the official redevelopment plan for the Amended Project Area.

SECTION 10. In order to implement and facilitate the effectuation of the Amended Plan hereby approved, this City Council hereby: (a) pledges its cooperation in helping to carry out the Plan, (b) requests the various officials, departments, boards, and agencies of the City having administrative responsibilities in the Amended Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with redevelopment of the Amended Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Plan, and (d) declares its intention to undertake and complete any proceeding, including the expenditure of moneys, necessary to be carried out by the City under the provisions of the Amended Plan.

SECTION 11. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Amended Plan.
SECTION 12. The City Clerk is hereby authorized and directed to record with the County Recorder of Tulare County, a description of the land within the Added Territory and a statement that proceedings for the redevelopment of the Added Territory have been instituted under the CCRL.

SECTION 13. The Building Department of the City is hereby directed for a period of two (2) years after the effective date of this Ordinance to advise all applicants for building permits within the Added Territory that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

SECTION 14. The City Clerk is hereby authorized and directed to transmit a copy of the description and statement recorded by the City Clerk pursuant to Section 12 of this Ordinance, a copy of this Ordinance, and a map or plat indicating the boundaries of the Added Territory, to the Auditor-Controller and Assessor of the County of Tulare, to the governing body of each of the taxing agencies which receives taxes from property within the Added Territory, and to the State Board of Equalization, within thirty (30) days following the adoption of the Amended Plan.

SECTION 15. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance or the Amended Plan which it approves is held to be invalid for any reason or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or of the Amended Plan. The City Council hereby declares that it would have adopted the remainder of the Ordinance or approved the remainder of the Amended Plan if such invalid portion thereof had been deleted. In the event that any portion of the Added Territory shall be determined to have been invalidly or incorrectly included in the Amended Project Area, such invalidly or incorrectly included portion of the Added Territory shall be deemed severable from the remainder of the Amended Project Area, and the remainder of the Amended Project Area shall remain fully subject to the provisions of the Amended Plan.

SECTION 16. EFFECTIVE DATE. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

SECTION 17. Within fifteen (15) days after its final passage, the City Clerk shall cause this Ordinance to be published in full in accordance with Section 36933 of the Government Code.
The foregoing Ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Porterville held on the ___ day of ______, 2010, and by unanimous vote of the Council members present, further reading was waived.

On a motion by Council Member ______________, second by Council Member __________, the foregoing Ordinance was duly passed and adopted by the City Council of the City of Porterville at a regular meeting thereof, this ____ day of ______, 2010, by the following vote, to wit:

AYES: Council Members:
NOES: Council Members:
ABSTAIN: Council Members:
ABSENT: Council Members:

__________________________
Brian Ward
VICE MAYOR, City of Porterville

ATTEST:

__________________________
CITY CLERK, City of Porterville