Call to Order
Roll Call

Pledge of Allegiance Led by Council Member Pete McCracken
Invocation

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.

SCHEDULED MATTERS
1. Award of Contract – Sports Complex Lighting Project
   Re: Considering awarding contract to the lowest responsible bidder, which will be determined at 2:30 p.m. on June 28, 2011, provided that the lowest responsible bid is within 10% of the Engineer’s Estimate, and authorizing a 10% Construction Contingency and a 5% Construction Management & Inspection contingency, for the project consisting of the installation of a power service cabinet, conduit, and lighting standards at the City’s Sports Complex located at 2701 W. Scranton Ave.

2. Amendment to Loan Agreement and Approval of Request for Partial Release of Land
   Re: Considering authorization of an Amendment to the Loan Agreement between the City of Porterville and Prospect-Henderson Partners dated December 29, 2009 to release a 19,025± sq. ft. parcel for the purpose of constructing leasable space for a new retail tenant in exchange for the repayment of $6.00 per sq. ft. at the shopping center located at the southwest corner of Henderson Avenue and Prospect Street.

3. Council Member Requested Agenda Item – Consideration of Letter or Resolution Opposing SB 469 (Vargas)
   Re: Consideration of a request to consider a resolution or letter in opposition to Senate Bill 469 (Vargas), which would require a city or county to prepare economic impact reports before it approves or disapproves the construction or conversion of “superstore” retailers.

ORAL COMMUNICATIONS
OTHER MATTERS

ADJOURNMENT - to the meeting of July 5, 2011 at 5:30 p.m.

Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.

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.
COUNCIL AGENDA: JUNE 28, 2011

SUBJECT: AWARD OF CONTRACT – SPORTS COMPLEX LIGHTING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Sports Complex Lighting Project consists of the installation of a power service cabinet, conduit, four (4) light standards and related appurtenances at the City of Porterville Sports Complex located at 2701 W. Scranton Avenue.

Staff will open the sealed bids at 2:30 pm on Tuesday, June 28, 2011, for the installation of the Sports Complex Lighting project. The project has a time constraint which makes it necessary to award the contract during the special City Council meeting scheduled June 28, 2011.

When the bids are evaluated and the lowest responsible bidder is determined, staff will provide the supplemental information necessary for Council to evaluate the bids and select a contractor. Council will receive the supplemental information Tuesday afternoon on June 28, 2011.

Funds for this project were made available from the CEQA mitigation measures for the Porterville Courthouse defined in the 2010/2011 Annual Budget.

RECOMMENDATION: That the City Council:

1. Award the contract to the lowest responsible bidder, provided the lowest responsible bid is within 10% of the Engineer's estimate;

2. Authorize a 10% Construction Contingency and a 5% Construction Management & Inspection contingency; and

3. Authorize payments to the Contractor up to 90% of the contract amount.

ATTACHMENT: Locator Map

P:\pubworks\General\Council\Award of Contract - Sports Complex Lighting Project - 2011-06-28.doc

Dir [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. [Space]
SUBJECT: AMENDMENT TO LOAN AGREEMENT AND APPROVAL OF REQUEST FOR PARTIAL RELEASE OF LAND

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On December 1, 2009, the City Council approved a loan agreement with Prospect Henderson Partners (PHP) for the purpose of acquiring the former Mervyn’s building contingent upon securing Kohl’s Department Store as a tenant for the property. Included in the loan agreement are provisions for partial release and reconveyance of property for expansion of available retail space on the property. PHP has secured a major retail lessee and is requesting a release of a 19,025± square foot parcel for the construction of a new building.

Part I Section D of the Loan Agreement requires PHP to either i) pay the balance owed to the City in full or ii) pay down the required portion of the balance owed in order to maintain a maximum combined loan to value ratio of 67.5% prior to the release of any portion of the property. Part II Section A allows for the Agreement to be modified by a written amendment. Pursuant to the amendment provisions of the Agreement, Staff is recommending that an amendment to the loan agreement be approved as depicted in Exhibit A – Amendment No. 1 to the Loan Agreement between the City of Porterville and Prospect Henderson Partners allowing for the release of land when terms of release are mutually agreed upon by the two parties.

PHP has agreed to pay the appraised value of $6.00 per square foot for the 19,025 square foot parcel which improves the current loan to value ratio from 78.5% to 77.75%. Further, approval of the loan agreement amendment will result in the creation of a new retail business providing 12 new jobs and will pay down a portion of the debt owed to the City. The release is required to allow PHP to obtain a construction loan to complete the new building with the 19,025 square foot site as security.

RECOMMENDATION: That the City Council:

1) Approve the Amendment No. 1 to the Loan Agreement between the City of Porterville and Prospect-Henderson Partners dated December 29, 2009 Part I Section D as depicted in Exhibit A.; and

2) Approve a Release and Reconveyance for the 19,025± square foot parcel to Prospect-Henderson Partners in exchange for the repayment of $6.00 per square foot ($114,500); and

3) Authorize the Mayor to sign all documents necessary to complete this transaction.

ATTACHMENTS: Exhibit A – Amendment 1 to Loan Agreement
EXHIBIT A

AMENDMENT NO 1 TO THE LOAN AGREEMENT
BETWEEN THE CITY OF PORTERVILLE AND
PROSPECT-HENDERSON PARTNERS

This Amendment shall cause Section I General Terms and Conditions, Subsection D Special Conditions to be amended as follows:

The parties acknowledge that Borrower may desire to expand the available retail space on the Property, which will require a Request for Partial Release and Reconveyance from Borrower to the City, and the creation of a separate parcel for additional improvements for a major retail lessee. In the event Borrower makes such a Request for Partial Release and Reconveyance to the City for a parcel map, Borrower agrees to either i) pay the balance owed to the City in full; ii) pay down the required portion (if any) of the balance owed in order to maintain a maximum combined loan to value ratio of 67.5%, as determined by an appraisal in accordance with Section I.C.4, on the remaining encumbered parcel; or iii) develop other terms as mutually agreed upon by the City and Borrower prior to the release of any portion of the property. In the event this alternative is exercised by Borrower, the City agrees to execute the appropriate (partial or full) Release and Reconveyance. Said additional improvements shall be subject to review and approval of the City, which shall be undertaken by the City in an expeditious manner and not unduly delayed, prior to amendments to this Agreement. Borrower acknowledges that this section does not provide it with future land use entitlements or other approvals for which it would be required to make application to the City in accordance with applicable State and local laws, regulations and requirements.

PROSPECT-HENDERSON PARTNERS, L.P.

By: ________________________________
David H. Paynter, General Partner

CITY OF PORTERVILLE

By: ________________________________
Ronald L. Irish, Mayor

ATTACHMENT 1
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF LETTER OR RESOLUTION OPPOSING SB 469 (VARGAS)

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Mayor Irish has requested that the City Council consider a resolution or letter in opposition to Senate Bill 469 (Vargas) which would require a city or county to prepare economic impact reports before it approves or disapproves the construction or conversion of “superstore” retailers.

RECOMMENDATION: That the Council provide direction to staff.

ATTACHMENT: 1. SB 469 (Vargas), as amended.
2. Coalition in Opposition Literature
3. Sample Resolution and Letter opposing Bill

Item No. 03
An act to amend Section 65950 of, and to add Section 65957.3 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 469, as amended, Vargas. Land use: development project review: superstores.

(1) The Permit Streamlining Act requires the lead agency that has the principal responsibility for approving a development project, as defined, to approve or disapprove the project within 6 months from the date of certification of an environmental impact report or within 3 months 60 days from the date of adoption of a negative declaration or the determination by the lead agency that the project is exempt from the California Environmental Quality Act, unless the project proponent requests an extension of time.

This bill would, in addition, require a city, county, or city and county, including a charter city, prior to approving or disapproving a proposed development project that would permit the construction of a superstore retailer, as defined, to cause an economic impact report to be prepared, as specified, to be paid for by the project applicant, and that includes specified assessments and projections including, among other things, an assessment of the effect that the construction and operation of the proposed superstore retailer will have on retail operations and
employment in the same market area. The bill would also require the governing body to provide an opportunity for public comment on the economic impact report. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

The bill would also require the lead agency to approve or disapprove the project within 180 days from the date of certification of an environmental impact report and approval of an economic impact report, or within 60 days from the date of adoption of a negative declaration and approval of an economic impact report or the determination by the lead agency that the project is exempt from the California Environmental Quality Act and approval of an economic impact report.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to promote economic development in all communities of the state and to address the impact on the state’s small businesses from the superstore retail model. Therefore, the Legislature finds and declares all of the following:

(a) It is in the interest of local governments to promote economic development in their jurisdictions.
(b) Land use decisions are frequently linked to fiscal policy because local governments receive a share of sales tax revenues generated within their borders. California cities thus often seek large sales tax revenue sources, such as superstores, without taking into account all of the external economic effects that superstores bring to communities.
(c) Transformations in the big box retail industry have altered retail business nationwide. The engine of this change is the retail format known as the superstore—a big box retail store that also contains the equivalent of a full-size grocery store, with the total
floor space often three to four times as large as that of a conventional supermarket.

(d) As a result of the restructuring of retail business, particularly the grocery sector in California, the following effects may be seen: local grocers, who yield a greater community return on investment, are driven out of business; less community access to viable supermarket alternatives; lower wages and benefits paid to grocery workers by supermarket retailers; and a host of complex land use, traffic, and fiscal impacts.

(e) Superstores typically combine a large variety of discount general merchandise with full service grocery sales to the general public under one roof, thereby generating more intense land use and environmental impacts than other large-scale retailers and wholesale membership clubs.

(f) Industry and academic studies indicate superstores rarely add any retail services not currently provided within a community, and the majority of sales growth at a superstore comes from a direct shift of dollars from existing retailers within a community, primarily from grocery stores.

(g) Land use decisions regarding superstores fall to city and county governments, even if the impacts will be regional as well as local.

(h) Currently, local governments that desire to perform due diligence for their constituents by performing an economic analysis are placed at a disadvantage because a neighboring city or county may not perform an economic analysis. This a situation may result in the shifting of sales tax and destruction of the business community in a city or county that simply wants to study the impacts of the development project before making a final approval.

SEC. 2. Section 65950 of the Government Code is amended to read:

65950. (a) Any public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code, and approval of any economic impact report required pursuant to Section 65957.3, for the development project.
(2) Ninety days from the date of certification by the lead agency of the environmental impact report if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(3) Sixty days from the date of adoption by the lead agency of the negative declaration if a negative declaration is completed and adopted, and approval of any economic impact report required pursuant to Section 65957.3, for the development project.

(4) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), and approval of any economic impact report required pursuant to Section 65957.3, if the project is exempt from the California Environmental Quality Act.
(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraph (2) of subdivision (a), "development project" means a use consisting of either of the following:

(1) Residential units only.

(2) Mixed-use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(d) For purposes of this section, "lead agency" and "negative declaration" shall have the same meaning as those terms have in Sections 21067 and 21064 of the Public Resources Code, respectively.

SEC. 2.

SEC. 3. Section 65957.3 is added to the Government Code, to read:

65957.3. (a) As used in this section, "superstore" means a business establishment that exceeds 90,000 square feet of gross floor area, sells a wide range of consumer goods, and devotes 10 percent of the sales floor area to the sale of items that are exempted from the Sales and Use Tax Law pursuant to Section 6359 of the Revenue and Taxation Code. "Superstore" shall include retail establishments with multiple tenants, and the cumulative sum of related or successive permits that may be part of a larger project, including piecemeal additions to a building, so long as consumer goods and nontaxable items are sold under the same roof with shared checkout stands, entrances, and exits. This definition excludes discount warehouses and discount retail stores that sell more than half of their items in large quantities or bulk, and also require shoppers to pay a membership or assessment fee.

(b) As used in this section, the term "market area" has the same meaning as that term is defined in Section 53084.
(c) Prior to approving or disapproving a permit for the
construction or conversion of a superstore retailer, a city, county,
or city and county shall cause to be prepared an economic impact
report.
(1) The city, county, or city and county may prepare the
economic impact report or contract with a private entity, other than
the permit applicant, or with another public agency for the
preparation of the report. The private entity or other public agency
shall be qualified by education, training, and experience to conduct
economic and fiscal impact analyses.
(2) The applicant for the development project shall pay the city,
county, or city and county for the costs of preparing the economic
impact report.
(3) The economic impact report shall include, but is not limited
to, all of the following:
(A) An assessment of the extent to which the proposed
superstore retailer will capture a share of retail sales in the market
area.
(B) An assessment of how the construction and operation of the
proposed superstore will affect the supply and demand for retail
space in the market area.
(C) An assessment of how the construction and operation of the
proposed superstore will affect employment in the market area,
including all of the following:
(i) The number of persons employed in existing retail stores in
the market area.
(ii) An estimate of the number of people who will likely be
employed by the proposed superstore.
(iii) An analysis of whether the proposed superstore will result
in a net increase or decrease in employment in the market area.
(iv) The effect on wages and benefits of employees of other
retail businesses, and community income levels in the market area.
(D) A projection of the costs of public services and public
facilities resulting from the construction and operation of the
proposed superstore retailer and the incidence of those costs.
(E) A projection of the public revenues resulting from the
construction and operation of the proposed superstore retailer and
the incidence of those revenues.
(F) An assessment of the effect that the construction and
operation of the proposed superstore retailer will have on retail
operations, including grocery or retail shopping centers, in the
same market area, including the potential for blight resulting from
retail business closures and the nature of any businesses displaced.

(G) An assessment of the effect that the construction and
operation of the proposed superstore will have on the ability of
the city, county, or city and county to implement the goals
contained in its general plan, including, but not limited to, local
policies and standards that apply to land use patterns, traffic
circulation, affordable housing, natural resources, including water
supplies, open-space lands, noise problems, and safety risks.

(H) An assessment of the effect that the construction and
operation of the proposed superstore will have on average total
vehicle miles traveled by retail customers in the same market area.

(I) An assessment of the potential for long-term vacancy of the
property on which the superstore is proposed in the event that the
business vacates the premises, including any restrictions that exist
on the subsequent use of the property on which the superstore is
proposed to be located, including the provisions of any lease that,
in the event the owner or operator of the superstore vacates the
premises, would require the premises to remain vacant for a
significant amount of time.

(J) An assessment of whether the superstore would require the
demolition of housing or any other action or change that would
result in a decrease or negative impact on the creation of extremely
low, very low, low-, or moderate-income housing.

(K) An assessment of whether the superstore would result in
the destruction or demolition of park or other green space,
playgrounds, child care facilities, or community centers.

(L) An assessment of whether the superstore would result in
any other adverse or positive economic impacts or blight.

(M) An assessment of whether any measures are available that
may mitigate any materially adverse economic impacts identified
by the applicant.

d) This section shall not preclude a city, county, or city and
county from conducting additional studies of the effects of the
construction and operation of a proposed superstore retailer.

e) At any regularly scheduled meeting or meetings of the city,
county, or city and county governing body, after the completion
and approval of the economic impact report required by
subdivision (b), and 30 days prior to the issuance of any
entitlement, including, but not limited to, a building permit, a city, county, or city and county shall provide the opportunity for public comment on the economic impact report and its findings.

(f) (1) The Legislature finds that the construction and operation of a superstore retailer has land use, environmental, economic, fiscal, and social equity effects that extend beyond the boundaries of the city, county, or city and county in which it is located.

(2) The Legislature finds that it is essential for the statewide public health, safety, and welfare to require cities, counties, and cities and counties to understand the potential spillover effects of approving the construction and operation of superstore retailers.

(3) The Legislature further finds and declares that the review and regulation of superstore retailers is a matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section shall apply to charter cities and to charter cities and counties.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
Oppose Senate Bill 469 (Vargas)

Job-Killing State Mandate Harming Californians and Our Communities

As of May 20, 2011

SB 469 Eliminates Jobs and Hurts the Economy
- California is currently faced with a 12.2 percent unemployment rate and an estimated $26.6 billion deficit.

- SB 469 will further deter businesses from investing in California by delaying the time to bring in new retail developments that bring new jobs and revenue to local communities; and adding more costs to companies that want to do business and invest in the state.

SB 469 Creates Unnecessary Business Regulation
- This legislation creates another layer of bureaucracy to local governments making it more difficult to bring new jobs and opportunities in communities that need it most. SB 469 will force an additional regulation that is routinely rejected at the local level into a state mandate resulting in the elimination of jobs, growth, and local control.

- SB 469 will add new regulations to the "28,000 pages of California’s Code of Regulations" at a time when Senate leaders are advocating legislation to streamline regulation.
SB 469 Limits Consumer Choice
• Californians should be able to decide on their own where to shop; state politicians should not make that decision.

SB 469 Harms Underserved Communities
• This bill will make it even more difficult for underserved communities to access fresh and affordable food for their families as many of these communities have limited grocery options.

We urge you to oppose SB 469!
This bill will further damage our economy, prevent job growth, place more burdens and costs to local communities, and ultimately harm California.

Statewide Business Organizations
California Chamber of Commerce
California Hispanic Chambers of Commerce
California Business Properties Association
California Retailers Association
Associated Builders and Contractors of California
Building Owners and Managers Association of California
Hispanic 100
International Council of Shopping Centers (ICSC)
Latin Business Association

Local Government
League of California Cities
California Contract Cities Association
Bakersfield Mayor Harvey Hall
Bakersfield Councilmember Russell Johnson
Chino Mayor Dennis Yates
Chino Hills Mayor Ed Graham
Chino Hills Councilmember Pete Rogers
City of Downey
Glendale Planning Commissioner Jim Prunty
Latino Mayors and Elected Officials Coalition of Fresno County
Kern County Board of Supervisors
Kern County Supervisor Mike Maggard
City of Lakewood
Orange County Supervisor Janet Nguyen
San Bernardino County Supervisor Gary Ovitt
City of Visalia

Regional Business Organizations
Bakersfield Association of Realtors
Building Industry Association, Baldy View Chapter
Cerritos Regional Chamber of Commerce
El Monte/South El Monte Chamber of Commerce
Greater Fresno Area Chamber of Commerce
Garden Grove Chamber of Commerce
Kern Economic Development Corporation
Industry Manufacturers Council

NAIOP - Commercial Real Estate Development Association, Inland Empire Chapter
Long Beach Area Chamber of Commerce
North of the River Chamber of Commerce
Association of California Cities - Orange County
Orange Chamber of Commerce
Orange County Black Chamber of Commerce
Orange County Business Council
Building Industry Association, Orange County Chapter
Building Industry Association, Riverside County Chapter
San Diego County Economic Development Corporation
San Diego North Chamber of Commerce
San Diego Regional Chamber of Commerce
Building Owners and Managers Association of San Diego
NAIOP - Commercial Real Estate Development Association, San Diego Chapter
San Joaquin County Hispanic Chamber of Commerce
South Bay Association of Chambers of Commerce
Building Industry Association of Southern California
NAIOP - Commercial Real Estate Development Association, Southern California Chapter

Taxpayer Associations
Contra Costa Taxpayers Association
Kern County Taxpayers Association
Mother Lode Taxpayers Association
San Diego County Taxpayers Association

Agriculture
Nisei Farmers League
Fresno County Farm Bureau
Kern County Farm Bureau

Community Organizations
Pastors on Point
SB 469 (Vargas) – Job-Killer Legislation

"California, which is still mired in its worst recession since the Great Depression, has the nation's third-worst job market, according to a new nationwide survey by the Gallup polling organization...The Gallup report is another dose of bad economic news for California, which has shed well over a million jobs since the recession began, has a stubborn 12-plus percent unemployment rate, owes the federal government more than $10 billion for unemployment insurance loans, and faces a state budget deficit or more than $25 billion."
– Sacramento Bee, 3.1.11

SB 469 Summary

- Senate Bill 469 will add an unnecessary layer of regulation to business by requiring an additional economic and community impact analysis report above and beyond the current requirements in CEQA which already provides for extensive public hearings and local decision-making.

SB 469 Eliminates Jobs and Hurts the Economy

- California is currently faced with a 12.4 percent unemployment rate and an estimated $26.6 billion deficit.

- At a time when the state is facing a massive fiscal crisis, hard-working families are looking to elected officials to solve our state budget woes and create an environment for businesses to stimulate the economy by creating jobs and opportunity in the Golden State.

- SB 469 will further deter businesses from investing in California by delaying the time to bring in new retail developments that bring new jobs and revenue to local communities; and adding more costs to companies that want to do business and invest in the state.

SB 469 Creates Unnecessary Business Regulation

- This legislation creates another layer of bureaucracy to local governments making it more difficult to attract companies who bring new jobs and opportunities in communities that need it most.

- SB 469 will force an additional regulation routinely rejected at the local level into a state mandate resulting in the elimination of jobs, growth, and local control.

- SB 469 will add new regulations to the “28,000 pages of California’s Code of Regulations” at a time when Senate President pro Tempore Darrell Steinberg is advocating legislation to streamline regulation to “…help our businesses grow, create jobs and return to a vibrant economy...”

SB 469 Limits Consumer Choice

- Californians should be able to decide on their own where to shop; state politicians should not make that decision for local communities.

SB 469 Harms Underserved Communities

- This bill will make it even more difficult for underserved communities to access fresh and affordable food for their families as many of these communities have limited grocery options.

###
RESOLUTION NO. 2011 - 42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELANO OPPOSING SB 469 WHICH PROPOSES ADDITIONAL REGULATIONS TO BUSINESSES, ELIMINATING JOBS AND HURTING THE ECONOMY

WHEREAS, the City Council of the City of Delano held a special meeting on Tuesday, May 31, 2011, and reviewed information regarding SB 469. Upon review the city is in favor of joining the coalition and opposing this bill; and

WHEREAS, this bill will add an unnecessary layer of regulation to business by requiring an additional economic and community impact analysis report above and beyond the current requirements in CEQA; and

WHEREAS, the state is facing massive fiscal crisis, hard-working families are looking to elected officials to solve the state budget woes and create an environment for businesses to stimulate the economy by creating jobs and opportunity; and

WHEREAS, this bill would make it even more difficult for underserved communities to access fresh and affordable food for their families, will further damage our economy, prevent job growth and would place more burdens and costs to local communities like Delano.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Delano, after due consideration finds to join the coalition and oppose SB 469.

PASSED AND ADOPTED by the City Council of the City of Delano at a special meeting held on the 31st day of May 2011, by the following vote:

AYES: Chavez, Morris, Ramirez, Vallejo
NOES: Aguirre
ABSENT: none
ABSTAIN: none

ATTEST:

Phyllis A. Kraft, City Clerk

Ricardo G. Chavez, Mayor

ATTACHMENT NO. 3
April 18, 2011

The Honorable Joe Simitian, Senator
Chair, Environmental Quality Committee
State Capitol, Room 2080
Sacramento, CA 95814

Re: OPPOSE – SB 469 (Vargas)
Land Use: Development Project Review: Superstores

Dear Senator Simitian:

I am writing to express my concerns over Senate Bill 469.

I agree with the existing development project permit applications, and the necessary planning process for large retail projects to have environmental impact studies and public input to determine any possible adverse effects on small business, traffic congestion and/or air quality. However, mandating economic and community impact analysis reports for projects 90,000 square feet and larger that include a long list of complicated statutory assessments may have negative unintended consequences.

For our underserved communities, this practice will limit consumer choice in shopping opportunities for affordable staples and grocery options. For our local governments, added regulation will create unnecessary officialdom and potentially undermines our ability to attract new businesses that generate revenue and create jobs. For Kern County with one of the highest unemployment rates in the State ranking 41 out of 58 counties with March 2011 figures topping 17.5% and a year-to-date average of 18.2% respectively, new business formation and capital investment is key to our economic recovery.

And last, for our State, SB 469 will place California at a competitive disadvantage, will increase the cost of doing business and will reduce available resources for job creation that will continue to delay our economic rebound efforts.

Therefore, I urge a NO vote on SB 469. I fear it will place additional burdens on California businesses, discourage their migration and will increase unemployment rates.

Sincerely,

Harvey L. Hall, Mayor
City of Bakersfield

HLH:lh