Call to Order
Roll Call

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
JANUARY 17, 2012

Roll Call: Agency Members

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

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

During Closed Session, the joint meeting will adjourn to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.
   5- Government Code Section 54956.95 – Liability Claims: Claimant: Joseph Nash. Agency claimed
against: City of Porterville.


7- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Sipple, et al. v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270

8- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases concerning facts not yet known to potential plaintiffs.

9- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward

Invocation

PROCLAMATIONS

PRESENTATIONS
Employee of the Month – Mark Knox
Project Homeless Connect

REPORTS
This is the time for all reports pursuant to AB 1234; committee/commission/board reports; subcommittee reports; and other informational items.

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 December 7, 2011 and December 20, 2011

2. Acceptance of Project – Veterans Park Booster Pump Project
Re: Considering accepting project as complete from HPS Mechanical, and authorizing the filing of the Notice of Completion for the project consisting of the construction and/or installation of an above-ground booster pump station, inclusive of all site work, mechanical equipment, electrical equipment, SCADA, control devices and related appurtenances.

3. Acceptance of Project – Police Shooting Range Irrigation Well
Re: Considering accepting project as complete from Consolidated Testing Laboratories, and authorizing the filing of the Notice of Completion for the project consisting of the construction on an irrigation well, pump installation and placement of two 119 gallon hydro pneumatic tanks at the Police Shooting Range.
4. **Request for Approval to Repair Specialized Equipment**  
   Re: Considering approving the repair of the JWC Environmental Muffin Monster grinder cartridge at a cost of $12,100.

5. **Motocross Race Proposal for February 2012 through December 2012**  
   Re: Considering approval of the Motocross Race Proposal from Central Valley Racing to provide race promotion at the OHV track.

6. **Monster Energy Drink Motocross Race Proposal**  
   Re: Considering approval of the Motocross Race Proposal from 2x Promotions to operate the Central Valley segment of the Monster Energy Road to Mammoth Motorcycle Racing series at the OHV Park, March 10-11, 2012.

7. **SCE Cooling Centers**  
   Re: Considering approval of a budget adjustment in the amount of $1,000 to enter into contractual services with SCE for the operation of a Cooling Center to be located at the Santa Fe Center.

8. **FY2011 Homeland Security Grant**  
   Re: Considering authorization to purchase a Portacount 8030 Respirator Fit Test machine, to be reimbursed with FY11 Homeland Security Grant Program funds in the amount of $11,041.00.

9. **2011 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan**  
   Re: Considering approval of a resolution authorizing the 2011 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan, in accordance with Disaster Mitigation Act of 2000.

10. **Community Development Block Grant Business Assistance Program Update**  
    Re: Consideration of an informational report regarding the Business Assistance Program, which provides funding assistance to businesses for the purpose of job creation and increasing the overall economic base of the community.

11. **Status Report – Developer Impact Fees**  
    Re: Considering acceptance of a staff report on Developer Impact Fees for the Fiscal Year ended June 30, 2011.

12. **June 5, 2012 City of Porterville Municipal Election: Call for Election; Requesting and Consenting to Consolidation of Elections; and Setting Specified Services**  
    Re: Setting election precepts including decisions regarding candidate statements and the use of Tulare County services for election, and authorizing payment to the Tulare County Registrar of Voters upon the completion of the requested services; and consideration of a potential ballot measure moving the City’s general election from June of even years to November of even years.

13. **Amendment to Employee Pay and Benefit Plan - Unrepresented Management**  
    Re: Considering approval of a resolution approving an amendment to the Employee Pay and Benefit plan for all unrepresented management employees.

14. **Review of Local Emergency Status**  
    Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8690 of the California Emergency Services Act.
15. Council Member Requested Agenda Item – Request for the City Council to Schedule the Consideration of Allowing the Participation of a Representative of the City’s Youth Commission at City Council Meetings
   Re: Considering a request to authorize the scheduling of an item on the February 7th Council Agenda to consider allowing the participation of a representative of the Youth Commission at Council meetings.

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

PUBLIC HEARINGS
16. Conditional Use Permit to Allow for an Upgrade of an Off-Sale Type 20 (Beer and Wine) License to an Off-Sale Type 21 (Beer, Wine and Distilled Spirits) License for the Wal-Mart Located at 1250 W. Henderson Avenue
   Re: Considering approval of a resolution approving Conditional Use Permit PRC-2011-30-C to allow for an upgrade to an off-sale Type 21 license.

17. Multifamily Housing Revenue Bond Issuance by California Statewide Communities Development Authority for Villa Robles Apartments, 450 W. Springville Drive
   Re: Considering approval of a resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of Villa Robles Apartments.

18. Commercial Crop Cultivation Ordinance: An Amendment to the Development Ordinance to Accommodate Interim Agricultural Use of Lands Within Multiple Zone Districts
   Re: Considering approval of an ordinance amending the development ordinance to allow commercial crop cultivation in residential and commercial zones as an interim use through a conditional use permit process.

SCHEDULED MATTERS
19. Consideration of Designation of Wall of Fame Honorees
   Re: Consideration of nominations for the designation of “Wall of Fame” Honorees.

20. Consideration of Joining the “Coalition to Save Jobs and Neighborhood Renewal” in Support of S.B. 659 (Padilla) and Postponing the Dissolution of Redevelopment
   Re: Considering joining a coalition in support of S.B. 659 which seeks to postpone the dissolution of Redevelopment from February 1, 2012, to April 15, 2012.

Adjourn to a joint meeting of the City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Agency Members/Chairman

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
JOINT PUBLIC HEARING

PRA-01. Public Hearing to Authorize a Purchase and Sale Agreement Between the Porterville Redevelopment Agency and Social Vocational Services, Inc. (APN 253-138-001)
Re: Continued public hearing regarding the purchase and sale agreement for APN 253-138-001.

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

ORAL COMMUNICATIONS
OTHER MATTERS

CLOSED SESSION
Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of January 31, 2012 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.
Call to Order at 5:31 p.m.
Roll Call: Council Member Ward (arrived late), Vice Mayor Hamilton, Council Member
Shelton, Council Member McCracken, Mayor Irish

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
DECEMBER 7, 2011

Roll Call: Agency Member Ward (arrived late), Vice Chairman Hamilton, Agency Member
Shelton, Agency Member McCracken, Chairman Irish

City Attorney Julia Lew advised that the City had received correspondence from attorney
Greg Chambers on December 5, subsequent to the distribution of the agenda packets, pertaining to
Item 11, a public hearing before the Council that evening. Ms. Lew requested that the Council
consider adding the item to Closed Session as anticipated litigation pursuant to Government Code
Section 54956.9(b) – significant exposure to litigation – one case concerning opposition to the
amendment of the City’s Zoning Map.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor
Hamilton, that the Council authorize adding an anticipated litigation item
pursuant to Government Code Section 54956.9(b) to the Closed Session
agenda, as requested by staff.

AYES: Hamilton, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Ward

Disposition: Item added.

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property
      Negotiating Parties: Porterville Redevelopment Agency and Porterville Hotel Investors.
      Under Negotiation: Terms and Price.
2- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

Adjourn to a meeting of the Porterville City Council.

**CITY COUNCIL CLOSED SESSION:**

B. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.


4- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

**Item Added:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council authorized the addition of Closed Session Item B-6, Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which potential plaintiff opposes proposed amendment to City’s Zoning Map.

AYES: Hamilton, Shelton, McCracken, Irish

NOES: None

ABSTAIN: None

ABSENT: Ward

Documentation: M.O. 01-120711

Disposition: Item added.

**6:30 P.M. RECONVENE OPEN SESSION**

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

City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Council Member Greg Shelton

A Moment of Silence was observed in Memory of Porterville Fire Captain Bob Davison
PRESENTATIONS
Miss Porterville and Court
Employee of the Month – Caroline Thomason
Employee Service Awards
San Joaquin Valley Air Pollution Control District

REPORTS
• Council Member Shelton reported on his recent attendance at the San Joaquin Valley Air Pollution Control District and reported that Skip Barnes was appointed to represent the small cities on the Board. He then spoke of various events he recently attended, including: a National Health Consortium event in Visalia; a Chamber Ribbon Cutting Ceremony at Villa Sienna; Fishing Derby; a Thanksgiving meal event by the Porterville Area Ministerial Association; tree lighting ceremony in Centennial Park for which he thanked Mr. Steve Feleay of Hoagies for providing sandwiches; a Step Up Meeting; a Friends of the Library event; Myers’ Annual Christmas Tree Memorial Service; and made mention of the anniversary of the attack on Pearl Harbor.
• Council Member Ward thanked the Chamber of Commerce for the Christmas lights on Main Street.
• Vice Mayor Hamilton spoke of a successful meeting with State representatives he attended in Sacramento on behalf of the City on Tuesday, December 6th.

ORAL COMMUNICATIONS
• Buck Fletcher, came forward and admonished the Council Members for their recent behavior, particularly on November 15th, and requested that they all work together for the betterment of the community. He then provided the Council with a copy of Robert’s Rules of Order, and other information relative to parliamentary procedure.
• William Carly, 174 N. Villa, spoke against the Zoning Map Update as proposed in Item 11, commenting that the proposed action would devalue his property.

CONSENT CALENDAR
Item Nos. 7 and 8 were removed for further discussion.

1. CITY COUNCIL MINUTES OF MAY 24, 2011
Recommendation: That the City Council approve the Minutes of May 24, 2011.
Documentation: M.O. 02-120711
Disposition: Approved.

2. BUDGET ADJUSTMENT FOR THE 2011-12 FISCAL YEAR
Recommendation: That the Council approve the proposed budget adjustment, and authorize staff to modify the expenditure estimate as described on the schedule.
Documentation: M.O. 03-120711
3. AIRPORT LEASE RENEWAL – LOT 40

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Dan and Allison Dale of San Luis Obispo, CA, for Lot 40 at the Porterville Municipal Airport.

Documentation: M.O. 04-120711
Disposition: Approved.

4. ACCEPTANCE OF PROJECT – OLIVE AVENUE REHABILITATION

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

Documentation: M.O. 05-120711
Disposition: Approved.

5. ACCEPTANCE OF PROJECT – HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II)

Recommendation: That the City Council:
1. Accept the project as complete; and
2. Authorize the release of the final payment immediately.

Documentation: M.O. 06-120711
Disposition: Approved.

6. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH COUNTY OF TULARE

Recommendation: That the City Council enter into an Agreement with the County of Tulare for FY 2011/2012 to provide services to County residents within the Service Area Boundary Map, and authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 07-120711
Disposition: Approved.

9. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – FIRE OFFICERS SERIES
Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution 69-2011
Disposition: Approved.

10. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency.

Documentation: M.O. 08-120711
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 through 6, 9 and 10. The motion carried unanimously.

7. CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA) MEMBERSHIP REPORT

Recommendation: That the City Council authorizes:
1. To remain members of the CWMA for 2012/2013; and
2. Staff to report back to Council when the tonnage calculations and member contribution figures are completed for 2013/2014.

City Manager Lollis introduced the item and indicated that Council Member Shelton had requested the item be removed from Consent Calendar. Council Member Shelton took a moment to thank Council Member McCracken for his efforts as the City’s CWMA representative; and noted that the landfill would eventually need to be addressed.

COUNCIL ACTION: MOVED by Council Member Brian Ward, SECONDED by Vice Mayor Hamilton that the City Council authorize the City’s membership in the CWMA for 2012/2013; and authorize staff to report back to the Council when the tonnage calculations and member contribution figures are completed for 2013/2014. The motion carried unanimously.

Disposition: Approved.

8. SETTING THE PUBLIC HEARING FOR LIBRARY FINES AND COLLECTION PROCEDURES
Recommendation: That the City Council set December 20, 2011, as the date for the public hearing to consider official adoption of library fines and collection procedures using the appropriate method of public notifications.

City Manager Lollis introduced the item and indicated it had been removed from the Consent Calendar at Council Member Shelton’s request. Parks & Leisure Services Director Milt Stowe then elaborated on the necessity of the item and confirmed the Library and Literacy Commission’s involvement.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council set December 20, 2011, as the date for the public hearing to consider official adoption of library fines and collection procedures using the appropriate method of public notifications. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

At the request of Mayor Irish, staff presented Item 12 next.

PUBLIC HEARINGS

12. CONDITIONAL USE PERMIT PRC-2011-23-C – PROPOSED SALE OF ALCOHOLIC BEVERAGES UNDER AN ON-SALE LICENSE IN CONJUNCTION WITH THE SERVING OF MEALS FOR A PROPOSED “DICKIE’S BARBEQUE PIT” RESTAURANT TO BE LOCATED AT 73 NORTH MAIN STREET (FORMERLY “SCREAMING MOOSE”)

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit PRC-2011-23-C; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager Lollis introduced the item, and the staff report was presented by Associate Planner Jose Ortiz.

The public hearing was opened at 7:35 p.m.

• Mark Hillman, Hillman Building Designs on behalf of the applicant, requested that the resolution be amended to allow flexibility of hours.

The public hearing was closed at 7:36 p.m.

The Council inquired about operation hours during special events, and staff noted that provisions could be added to allow for the flexibility being requested by the applicant.
The public hearing was re-opened at 7:39 p.m.

- Ed Phillips, applicant, indicated that they would appreciate the flexibility to sell food any time for special functions and events.

The public hearing was closed again at 7:40 p.m.

Council Member McCracken MOVED to strike the word “operation” in Condition 1 and replace with “alcohol sales.” City Attorney Lew then advised that the language read “sale of alcohol may occur.”

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-23-C, as amended to limit the sale of alcohol from 9:00 a.m. to 2:00 a.m., but not limit the hours of operation in Condition No. 1; and authorize the Mayor to sign the Letter of Public Convenience of Necessity. The motion carried unanimously.

Disposition: Approved.

11. PUBLIC HEARING TO APPROVE REVISIONS TO THE ZONING MAP

Recommendation: That the City Council conduct a public hearing, and:

1. A. Receive input regarding approval of the revisions to the Zoning Map as depicted on Exhibit A-1; and
   B. Approve the proposed ordinance, give first reading, waive further reading and order the ordinance to print.

2. A. Receive input regarding approval of the revisions to the Zoning Map as depicted on Exhibit A-2; and
   B. Approve the proposed ordinance, give first reading, waive further reading and order the ordinance to print.

3. A. Receive input regarding approval of the revisions to the Zoning Map as depicted on Exhibit A-3; and
   B. Approve the proposed ordinance, give first reading, waive further reading and order the ordinance to print.

4. A. Receive input regarding approval of the revisions to the Zoning Map as depicted on Exhibit A-4; and
   B. Approve the proposed ordinance, give first reading, waive further reading and order the ordinance to print.

5. A. Receive input regarding approval of the revisions to the Zoning Map as depicted on Exhibit A-5; and
   B. Approve the proposed ordinance, give first reading, waive further reading and order the ordinance to print.
City Manager Lollis introduced the item, and the staff report was presented by City Planner Bill Nebeker. Staff clarified that conflicts relative to property ownership within 500 feet were accommodated by breaking up the areas with proposed amendments.

PROPOSED ORDINANCE 1780 (EXHIBIT A-1)

Mayor Irish recused himself from consideration of Exhibit A-1 due to a conflict of interest and exited the Council Chambers.

In response to inquiries made by Council Member Shelton, staff provided clarification regarding various zoning classifications, densities, and pre-zoned areas. He then lauded staff for their notification efforts.

The public hearing was opened at 8:02 p.m. Seeing no one, the Mayor closed the public hearing at 8:03 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt the proposed ordinance approving the revisions to the Zoning Map as depicted on Exhibit A-1, give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP.

AYES: Ward, Shelton, McCracken, Hamilton
NOES: None
ABSTAIN: Irish
ABSENT: None

Mayor Irish returned to the Council Chambers.

PROPOSED ORDINANCE 1781 (EXHIBIT A-2)

Council Member McCracken recused himself due to a conflict of interest and exited the chambers.

The public hearing opened at 8:04 p.m.

- Daryl Nicholson, 26914 Ave 140, requested that the left portion of the yellow lot on Exhibit A-2 be zoned commercial.

Community Development Director Dunlap addressed questions from the Council regarding Mr. Nicholson’s request and expressed concern regarding changing the area to a General Commercial Zone. He then suggested that the Council consider a Retail Commercial zoning, and direct staff to account for mortuaries as an allowed use in the CR zone as an amendment to the Development Code.
The public hearing was closed at 8:15 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council adopt the proposed ordinance approving the revisions to the Zoning Map as depicted on Exhibit A-2, as amended so all parcels referenced on exhibit are to be zoned CR, with the exception of the southern most parcel, which is zoned RM-2; give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP.

AYES: Ward, Shelton, Hamilton, Irish
NOES: None
ABSTAIN: McCracken
ABSENT: None

Council Member McCracken returned to the dais.

PROPOSED ORDINANCE 1782 (EXHIBIT A-3)

Council Member Shelton recused himself due to a conflict of interest with regard to Exhibit A-3 and exited the Council Chambers.

Community Development Director Dunlap indicated that Exhibit A-3 had been revised to address two additional lots located on Villa Street.

City Manager Lollis indicated that written communication from the Law Offices of Gregory A. Chambers dated December 2nd, 2011, had been received by the City on December 5th. The City Attorney read the letter as follows:

Dear Mayor and Council Members:

I have been retained by Mr. Rodney Martin in regards to the proposed amendments to the official zoning map of the City of Porterville.

The “errors” in the City’s 2010 zoning map as well as the proposed “fix” will obviously have great consequences and harm to my client as well as other property owners if the proposed corrections are approved. My client purchased his property in 2006 at that time it was zoned R-2, this zoning was a primary factor for his purchase of the property, as a result of alleged “errors” in the 2010 General Plan, my client as well as his neighbors were zoned “Open Space Public”. We contend that this in itself was a taking. It is our understanding that the City plans to correct the “errors” in the zoning map and change the zoning of my client’s property to R-1 equivalent, we content that this is also a taking.

Obviously, this “error” if corrected as proposed will significantly devalue my client’s property and not allow my client and his family to use the property as they have and as they
have planned to do since they purchased the parcel. Furthermore, my client’s neighbors who are similarly situated will also have their property devalued as a result of the “error” by whomever the City contract to create the maps.

Unfortunately, my client will be having a medical procedure and will not be able to attend the public hearing scheduled for December 7, 2011. My client has requested that I attend the meeting in his place and I anticipate being present on the date if the need arises.

Mr. Martin is requesting additional time for public comment on this issue before the City Council takes action on this issue. My client’s next door neighbors, Mr. William and Christine Karle were also not aware of the hearing and never received any type of notice of the City’s intention of amending the “errors” in the 2010 zoning map which will also adversely affect their property rights as well. Other property owners have expressed confusion as to the full implications of the City’s proposed “fix” and its impacts and ramifications on their property value and use.

My client believes, as do I, that without adequate public notice and more importantly time for property owners to fully analyze the implications and impacts of the City’s proposed “fix” amending the map at this time would be grossly inappropriate to those affected by the proposed City “fix”. My client will take all appropriate legal actions in defense of his property rights. My client is requesting that the Council continue this matter to another date so that adequate notice can be given to all landowners affected by the proposed changes and so that my client can also be present to voice his concerns about the amendments and other property owners have sufficient time to analyze the impacts of the proposed “fix”. Finally, additional time would afford additional dialogue with City planning staff of hopes in reaching some common goal in resolving this issue.

Thank you for your prompt attention to this matter.

Sincerely,

Gregory A. Chambers
Attorney at Law

At the Council’s request the City Attorney spoke about notice of the property owners, and a property owner’s right to make a separate application for their property given what they wish to do with the property.

The public hearing opened at 8:30 p.m.

- Joe Faure, 375 N. E Street, expressed concern regarding the description of D-PO zoning, and indicated that he supported the allowable uses for his property on Olive near Plano.
- Greg Chambers, 302 N. 2nd Street, reiterated his comments on behalf of Rodney Martin.
- William Carly, spoke against the proposed zoning of his property.
- Jose Cruz, 194 S. Villa, spoke against the proposed change in zoning.
The public hearing was closed at 8:40 p.m.

A lengthy discussion took place regarding the differences between the new R zones and the previous R-2 zone.

The Council recessed for ten minutes at 8:49 p.m.

The public hearing was re-opened at 8:58 p.m.

- William Carly, re-iterated his opposition to the proposed zoning of his property.

The public hearing was closed at 9:00 p.m.

Council Member McCracken MOVED to approve staff’s recommendation, which was SECONDED by Mayor Irish.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve an RM-1 zoning for the four lots south of Villa.

AYES: Ward, Hamilton, Irish
NOES: McCracken
ABSTAIN: Shelton
ABSENT: None

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council adopt the proposed ordinance approving the revisions to the Zoning Map as depicted on Exhibit A-3, as amended so the four lots south of Villa are zoned RM-1; give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP.

AYES: Ward, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: Shelton
ABSENT: None

Council Member Shelton returned to the dais.

**PROPOSED ORDINANCE 1783 (EXHIBIT A-4)**

Vice Mayor Hamilton recused himself due to a conflict of interest and exited the chambers.

The public hearing opened at 9:07. Seeing no one, the Mayor closed the public hearing at 9:08 p.m.
COUNCIL ACTION:  MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council adopt the proposed ordinance approving the revisions to the Zoning Map as depicted on Exhibit A-4; give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP.

AYES: Ward, Shelton, McCracken, Irish
NOES: None
ABSTAIN: Hamilton
ABSENT: None

Vice Mayor Hamilton returned to the dais.

PROPOSED ORDINANCE 1784 (EXHIBIT A-5)

The public hearing was opened at 9:09 p.m. and closed at 9:10 p.m. when nobody came forward.

COUNCIL ACTION:  MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council adopt the proposed ordinance approving the revisions to the Zoning Map as depicted on Exhibit A-5; give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP. The motion carried unanimously.

The City Manager read the ordinances by title only.

Disposition: Approved, as amended.

SCHEDULED MATTERS

At the Mayor’s request, Item 14 was presented next.

14. PRESENTATION BY BECKMAN INSTRUMENTS SEEKING LOCAL SUPPORT FOR PARTIAL DELISTMENT OF PORTERVILLE SUPERFUND SITE

Recommendation: That the City Council receive the presentation from Beckman Coulter, Inc., and consider supporting the Beckman’s petition of the EPA for partial delistment of the Superfund site.

The City Manager introduced the item. Robert Keeley, Beckman Coulter, gave a presentation regarding their petition for partial delistment of their Superfund site.
In response to inquiries from the Council, Mr. Keeley elaborated on the meaning of partial delistment and the benefits to Beckman Coulter.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member M.O. 11-120711 Ward that the City Council authorize support of Beckman’s petition of the EPA for partial delistment of the Superfund site. The motion carried unanimously.

Disposition: Approved.

13. MEDICAL CANNABIS REGULATIONS – DRAFT COMPREHENSIVE MODIFICATIONS TO CURRENT CITY REGULATIONS

Recommendation: That the City Council consider the report and draft ordinance, and provide direction as it deems appropriate.

The City Manager introduced the item, and City Attorney Lew presented the staff report. The Council discussed public safety concerns and complaints related to the cultivation and use of cannabis.

Council Member McCracken made note of the time. Without objection, the Council extended the adjournment time to 10:00 p.m.

The Council directed staff to continue drafting modifications and bring the item back to the Council when ready. The motion carried unanimously.

Disposition: Staff direction given.

ORAL COMMUNICATIONS

• (Name inaudible), spoke against the proposed restrictions for medical marijuana, commenting on the hardship and expense restricting growth to indoors would cause on patients, and voiced safety concerns with home invasions.
• Daryl Nicholson, thanked the City Council for their action in Item 11, and commended the Council for the direction it was heading with regard to imposing restrictions on the growth of medical marijuana.
• Dawn Joe, identified herself as a medical marijuana user, and spoke against the proposed restrictions on requiring growth indoors, and spoke in favor of a voluntary registration process.

OTHER MATTERS

• Council Member Shelton, spoke of various upcoming events, including an Open House for State Assemblywoman Connie Conway; a Chamber Mixer at Sierra View District Hospital; a display at a downtown art gallery; a tree lighting ceremony at White’s Funeral Home; a food giveaway event sponsored by Love, Inc.; and various Santa appearances.
• Council Member McCracken, advised of the scheduling of the Tulare County
Household Hazardous Waste Clean Up Day to be held at County Fire Station 87 on March 17, 2012.

- Vice Mayor Hamilton spoke of the upcoming Employee Christmas Luncheon.

ADJOURNMENT
The Council adjourned at 10:05 p.m. to the meeting of December 20, 2011.

_______________________________
Luisa Herrera, Deputy City Clerk

SEAL

_______________________________
Ronald L. Irish, Mayor
Call to Order at 5:30 p.m.
Roll Call: Council Member Ward (arrived late), Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
DECEMBER 20, 2011

Roll Call: Agency Member Ward, Vice Chairman Hamilton, Agency Member Shelton, Agency Member McCracken, Chairman Irish

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
2- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

The Council adjourned to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
4- Government Code Section 54956.95 – Liability Claims: Claimant: Hilda Delk. Agency
claimed against: City of Porterville.

5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.


7- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

8- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported on the following Council action:

3- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: UNION PACIFIC RAILROAD COMPANY. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Council Member McCracken, seconded by Council Member West, the City Council unanimously approved rejecting the claim filed by Union Pacific Railroad Company in an amount exceeding $10,000 in the unlimited jurisdiction of Tulare County Superior Court; referred the matter to the City’s insurance adjustor; and directed the City Clerk to give the Claimant proper notification.

Documentation: M.O. 01-122011
Disposition: Approved.

4- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: HILDA DELK. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Council Member McCracken, seconded by Vice Mayor Hamilton, the Council approved, by a 4/1 vote with Council Member Shelton dissenting, rejecting the claim filed by Hilda Delk in an amount of $322.29; referred the matter to the City’s insurance adjustor; and directed the City Clerk to give the Claimant proper notification.

Documentation: M.O. 02-122011
Disposition: Approved.

Pledge of Allegiance Led by Council Member Pete V. McCracken
Invocation – a moment of silence was observed.

PRESENTATIONS

SCE Resolution of Appreciation
REPORTS

- Council Member Shelton, spoke of various events he attended, including a meeting at Porterville High School related to curriculum for alternative energy sources; the City of Porterville’s employee Christmas luncheon; a Chamber Mixer at Sierra View District Hospital; the Senior Dinner; a food basket giveaway hosted by the Comision Honorifica; a Kiwanis fundraiser for Derby Girls; and various appearances by Santa Claus.
- Council Member Ward, voiced appreciation and lauded the efforts of KTIP, the Porterville Recorder, Love, Inc., the school districts, and all who participated in various food and toy drives to provide for those less fortunate.
- Vice Mayor Hamilton updated the Council on a recent LAFCo Meeting he attended during which new officers were elected and disadvantaged communities were discussed.

ORAL COMMUNICATIONS

- Joe Moreno, voiced support for the Council’s approval of closing the library on Christmas Eve, as was proposed in Item 7.
- David Horowitz, spoke of a recent break-in at his jewelry business on Main Street, made allegations of police misconduct regarding his detention, disrespectful treatment, and the officers’ clearing of the crime scene without permitting him entry, and stated that he was receiving legal advice regarding the matter.
- Jack Rouse, spoke of the issue of people dumping trash and hazardous waste on vacant property in the vicinity of River Springs and the Tule River, and requested that the City address the matter. Mayor Irish requested that staff meet with Mr. Rouse.
- An unidentified individual, voiced concern with proposed amendments to the ordinance regulating medical marijuana.
- Warren Garrison, spoke against proposed restrictions pertaining to medical marijuana, specifically as they relate to requiring indoor cultivation.
- Robert Mahoney, spoke against restrictions on medical marijuana dispensaries and inquired about enforcement.
- Brian (last name not provided), voiced opposition to imposing restrictions on medical marijuana cultivation.
- Patrick Woods, spoke against the prohibition on off-road vehicles in the Tule River bed, and commented that the City was in need of an OHV Park.

CONSENT CALENDAR

Item Nos. 2, 3, 4 and 10 were removed for further discussion.

1. CITY COUNCIL MINUTES OF AUGUST 16, 2011 AND NOVEMBER 15, 2011

Recommendation: That the City Council approve the Minutes of August 16, 2011 and November 25, 2011.

Documentation: M.O. 03-122011
5. REVISED SCHEDULE FOR REVIEW OF DEVELOPMENT ORDINANCE REVISIONS

Recommendation: None. For informational purposes only.

Disposition: No action required.

6. STATE DEPARTMENT OF FINANCE – POPULATION ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2011, population of 54,843.

Documentation: M.O. 04-122011

Disposition: Approved.

7. CHRISTMAS EVE LIBRARY CLOSURE

Recommendation: That the City Council authorizes the closing of the Library for Christmas Eve.

Documentation: M.O. 05-122011

Disposition: Approved.

8. REMINDER OF WALL OF FAME NOMINATIONS

Recommendation: Information only.

Disposition: No action.

9. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN

Recommendation: That the Council approve the draft resolution and authorize the City Manager to execute the modifications.

Documentation: Resolution 71-2011

Disposition: Approved.

11. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 06-122011
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, that the Council approve Item Nos. 1, 5 through 9, and 11. The motion carried unanimously.

2. REQUEST FOR A BUDGET ADJUSTMENT TO FORM AN ADULT BASKETBALL LEAGUE

Recommendation: That the City Council approve the request for funds and approve the adjustment.

City Manager Lollis introduced the item, and indicated that it had been removed from the agenda at the request of Council Member Shelton. Parks and Leisure Services Director Milt Stowe then elaborated on various divisions which could make up the league.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the request for funds and approve the adjustment. The motion carried unanimously.

Disposition: Approved.

3. AWARD OF CONSULTANT SERVICE AGREEMENT CONTRACT FOR THE PREPARATION OF PORTERVILLE’S 2012 SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement with TPG Consulting, Inc. at an agreed fee of $67,158 for the services described herein;
2. Authorize a 10% contingency to cover unforeseen preparation issues that may arise once the consulting effort begins; and
3. Authorize progress payments up to 100% of the fee amount.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton stated that he had pulled the item from the consent calendar to laud the Request for Proposals process. Staff then addressed questions from Council Member Ward regarding frequency of services, and the unfeasibility of completing the work in-house.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council authorize the Mayor to execute the Consultant Service Agreement with TPG Consulting, Inc. at an agreed
fee of $67,158 for the services described herein; authorize a 10% contingency to cover unforeseen preparation issues that may arise once the consulting effort begins; and authorize progress payments up to 100% of the fee amount. The motion carried unanimously.

Disposition: Approved.

4. AUTHORIZATION TO PURCHASE TAX DEFAULTED PROPERTY AT 347 W. ORANGE AVENUE; APN NO. 260-187-001

Recommendation: That the City Council:
1. Adopt a Resolution objecting to the sale of a tax-defaulted property, authorizing the submittal of an application to the County of Tulare to purchase the specified tax-defaulted property, and authorizing the execution of an agreement to purchase the tax-defaulted property identified as Parcel 260-187-001; and
2. Authorize the Mayor to sign all necessary documents to complete the transaction.

City Manager Lollis introduced the item, and advised that the item had been removed from Consent Calendar at the request of Council Member Shelton. Council Member Shelton expressed his support of the item.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council adopt a resolution objecting to the sale of a tax-defaulted property, authorizing the submittal of an application to the County of Tulare to purchase the specified tax-defaulted property, and authorizing the execution of an agreement to purchase the tax-defaulted property identified as Parcel 260-187-001; and authorize the Mayor to sign all necessary documents to complete the transaction. The motion carried unanimously.

Disposition: Approved.

10. ADDENDUM NO. 1 EXTENDING CITY MANAGER EMPLOYMENT AGREEMENT

Recommendation: That the City Council consider and approve the Addendum.

City Manager Lollis introduced the item, and indicated that it had been removed from Consent Calendar at the request of Council Member Ward. Council Member Ward lauded Mr. Lollis’ performance and expressed his desire to see the agreement amended to extend the term through 2016. Council Member Shelton spoke against a long-term contract.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor M.O. 09-122011 Hamilton that the City Council approve Addendum No. 1 Extending City
Manager Employment Agreement, as amended to extend the term of the agreement through December 31, 2016, as permitted by the City’s Charter and/or Code.

AYES: Ward, McCracken, Hamilton, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Approved, as amended.

PUBLIC HEARINGS

12. LIBRARY FINES AND COLLECTION PROCEDURES

Recommendation: That the City Council adopt a resolution of set library fines and collection procedures to become effective as early as January 3, 2012, but no later than June 30, 2012.

The City Manager introduced the item, and the staff report was presented by Parks and Leisure Services Director Milt Stowe.

The public hearing opened at 7:44 p.m. and closed at 7:45 p.m. when nobody came forward.

A brief discussion ensued during which Council Member Shelton lauded the work of the Library and Literacy Commission, and requested information relative to the highest, lowest, and average delinquent library accounts.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt a resolution of set library fines and collection procedures to become effective as early as January 3, 2012, but no later than June 30, 2012. The motion carried unanimously.

Disposition: Approved.

SECOND READINGS

13. ORDINANCE 1780, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-1)

Recommendation: That the City Council give Second Reading to Ordinance No. 1780, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1780,
14. ORDINANCE 1781, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-2)

Recommendation: That the City Council give Second Reading to Ordinance No. 1781, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward give Second Reading to Ordinance No. 1781, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-2).

AYES: Ward, Shelton, Hamilton, Irish
NOES: None
ABSTAIN: McCracken
ABSENT: None

The City Manager read the ordinance by title only.

Disposition: Approved.

15. ORDINANCE 1782, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-3)

Recommendation: That the City Council give Second Reading to Ordinance No. 1782, waive further reading, and adopt said Ordinance.
The City Manager introduced the item and presented the staff report.

**COUNCIL ACTION:** 
**Ordinance 1782**  
MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward give Second Reading to Ordinance No. 1782, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-3).

AYES: Ward, McCracken, Hamilton, Irish  
NOES: None  
ABSTAIN: Shelton  
ABSENT: None

The City Manager read the ordinance by title only.

Disposition: Approved.

16. **ORDINANCE 1783, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-4)**

Recommendation: That the City Council give Second Reading to Ordinance No. 1783, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:** 
**Ordinance 1783**  
MOVED by Council Member Ward, SECONDED by Council Member McCracken give Second Reading to Ordinance No. 1783, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-4).

AYES: Ward, Shelton, McCracken, Irish  
NOES: None  
ABSTAIN: Hamilton  
ABSENT: None

The City Manager read the ordinance by title only.

Disposition: Approved.

17. **ORDINANCE 1784, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-5)**
Recommendation: That the City Council give Second Reading to Ordinance No. 1784, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward give Second Reading to Ordinance No. 1784, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-5). The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

18. AUTHORIZATION OF A TEN-YEAR DEVELOPMENT FEE PAYMENT PLAN

Recommendation: That the City Council adopt a resolution authorizing a no interest ten (10) year Development Fee Payment Plan for all commercial and industrial business and affordable housing developments within the City limits, with the exclusion of those businesses operating under a Home Occupancy Permit and rescinding Resolutions 107-1998, 84-2001, and 64-2002.

City Manager Lollis introduced the item, and the staff report was waived by the Council. A discussion ensued relative to the concept of a cap and the City’s subordinate position to the construction/commercial loan on the subject property. The Council directed staff to bring the item back before them at the time the State of California executes the Enterprise Zone documents.

Disposition: Item continued; and direction provided to staff.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Shelton, spoke of various upcoming events, including a Step Up Meeting scheduled for December 21st; a Toys for Tots event; and a Christmas Eve dinner at Helping Hands.
- Council Member Ward, wished everyone a Merry Christmas and Happy New Year.
- Council Member McCracken spoke of the New Year’s Eve celebration to take place at the Veterans’ building.
- Vice Mayor Hamilton, lauded a recent Santa appearance; and wished all a Merry Christmas and Happy New Year.
• City Manager Lollis, announced that Rue 21 had signed a deal to lease space in the former Hollywood Video location in the Target Shopping Center.

**ADJOURNMENT**

The Council adjourned at 8:25 p.m. to the meeting of January 17, 2012.

______________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________
Ronald L. Irish, Mayor
COUNCIL AGENDA: JANUARY 17, 2012

SUBJECT: ACCEPTANCE OF PROJECT – VETERANS PARK BOOSTER PUMP PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: HPS Mechanical has completed the Veterans Park Booster Pump Project per plans and specifications. The project consisted of construction and/or installation of an above-ground booster pump station, inclusive of all site work, mechanical equipment, electrical equipment, SCADA, control devices and related appurtenances.

Staff keeps track of construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On February 15, 2011, City Council authorized expenditure of $310,728 for construction including the 10% contingency. On March 15, 2011, City Council authorized an amendment for expenditure of $33,000 for construction management and inspection services for the Veterans Park Booster Pump Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management, inspection services and project administration.

1) Final construction cost was $289,253.00.

2) Construction management and inspection services were performed by Dee Jaspar & Associates. The cost for both services was $33,000.00. Project administration was performed by City staff at a cost of $7,485.63.

Total project construction costs equate to $329,738.63, which is less than the $343,728.00 overall budget approved by Council at the time of award.

California Infrastructure and Economic Development Bank (CISED) funds are the funding source for the project as included in the 2011/2012 Annual Budget.

HPS Mechanical requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:\planning\General\Council\Acceptance of Project - Veterans Park Booster Pump Project - 2012-01-17.doc

Dir B82 Appropriated/Funded MV CM J Item No. 2
SUBJECT: ACCEPTANCE OF PROJECT – POLICE SHOOTING RANGE IRRIGATION WELL

SOURCE: Public Works Department - Engineering Division

COMMENT: Consolidated Testing Laboratories has completed the Police Shooting Range Irrigation Well Project per plans and specifications. The project consisted of the construction of an irrigation well drilled to a depth of 400 feet, pump installation and placement of 2-119 gallon hydro pneumatic tanks. The purpose of the well is to provide water for a landscape and irrigation system that will act as dust control around the facility and provide slope stabilization of the recently completed shooting range dirt berm.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On June 21, 2011, City Council authorized expenditure of $69,709.84 for construction, construction management and quality control services for the Police Shooting Range Irrigation Well Project. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $60,834.27.

2) Construction management and quality control were performed by staff. The cost for these services was $6,294.11, which is 10.6% of the awarded construction contract. This amount is greater than the 7% construction management and quality control amount requested at time of award. The additional staff time expenditure is due to additional time and coordination required restoring power to the site.

Total project construction costs equate to $67,128.38, which is less than the $69,709.84 overall budget approved by Council at the time of award.

Funding is provided from the Indian Gaming Grant in the amount of $50,000 as appropriated by City Council action of May 17, 2011. Remainder is funded by the Water Well Exploration account as approved by City Council on June 21, 2011.

Consolidated Testing Laboratories requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.
RECOMMENDATION: That City Council:

1. Accept the project as complete;

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

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map

P:\pub\work\General\Council\Acceptance of Project - Police Shooting Range Irrigation Well - 2012-01-17.doc
CITY COUNCIL AGENDA: JANUARY 17, 2012

SUBJECT: REQUEST FOR APPROVAL TO REPAIR SPECIALIZED EQUIPMENT

SOURCE: Public Works Department – Wastewater Treatment Facility

COMMENT: The City of Porterville Wastewater Treatment Facility needs to repair the JWC Environmental Muffin Monster grinder cartridge on its Screenings and Washer Monster (SWM). The grinder cartridge on the SWM uses heat treated alloy steel cutters and spacers to grind the material captured by the barscreen. The grinder cartridge reduces the volume of material and facilitates the washing of material prior to disposal. Over time the steel cutters and spacers wear out and must be replaced.

JWC Environmental is the sole source manufacturer of this equipment. The Wastewater Treatment Facility has received a quote of $12,100 for the repair of the cartridge. Funding is available in the Wastewater Treatment Facility’s Operating Fund.

RECOMMENDATION: That City Council approve the repair of the JWC Screenings Cutter Cartridge for $12,100.

P:\pubworks\General\Council\Request for Approval to Repair Specialized Equipment - 2012-01-17.doc

Dir Appropriated/Funded CM  
Item No. 4
COUNCIL AGENDA: January 17, 2012

SUBJECT:   MOTOCROSS RACE PROPOSAL FOR FEBRUARY 2012 THROUGH DECEMBER 2012

SOURCE:   PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT:  In the calendar years 2002 and 2003, the City of Porterville co-hosted a series of motocross races at the OHV Facility. Staff has recently received a proposal from Mick Elsberry of Central Valley Racing to provide race promotion at the OHV track.

Central Valley Racing is a group of local riders who frequent our local OHV Park as participants. The proposal coincides with the type of events staff is seeking to promote at the park, which is family oriented, one - day events with approximately 150 - 200 riders from ages 5 years and up. All conventional motocross races will be scheduled to allow for the highest possible participation. Twelve races are proposed to be scheduled between the months of February through December 2012.

Central Valley racing will provide all necessary equipment for racing including the starting gate, scoring tower, race flags, slowing stand, awards, and advertisement. City staff will provide track prep before and after the races, flagging duties, collection of money and waivers at the entry gate and E.M.T.’s. The City will also provide insurance for the events. Practice day riding is included in our current insurance, and the additional cost for race - day insurance is $491 per day.

One hundred percent (100%) of the fees collected on practice days will be obtained by the City, and the City will retain fifty percent (50%) of the gate fees collected on race days. Races in previous years averaged $1300 in revenue per weekend event.

Staff is also seeking permission to permit overnight camping in the open space adjacent to the park at $10 per unit.

Spectators will be provided with a fenced viewing area on the bank of the berm east of the restrooms and south of the track itself.

[Signatures]
Director  Appropriated/Funded  City Manager  ITEM NO.: 5
RECOMMENDATION: That the City Council
1) Approve the Motocross Race Proposal for February 2012 through December 2012, with Central Valley Racing at the OHV Park; and
2) Approve overnight camping for the event.

ATTACHMENTS: Introduction Letter
Motocross Race Proposal
Estimated Budget Form
December 21, 2011

Central Valley Racing
5116 Natchez Lane
Bakersfield, Ca. 93312

Milt Stowe, Director
Parks & Leisure Services
City of Porterville
291 N. Main St
Porterville, Ca. 93257

Dear Milt,

We would like to propose co-hosting Motocross Races at the Porterville Off Highway Vehicle Park with the City of Porterville.

Central Valley Racing is very excited about an opportunity such as this. We feel this will be a very positive impact for the community and participants.

With our combined racing experience, our personal reputation and geographical contacts of Motocross enthusiasts we can insure the City of Porterville of a successful and very professional venue at every event that we promote.

If you have any questions please contact me at the number listed below. Thank you for time and effort in this matter.

Sincerely yours,

Mick Elsberry
(661) 588-5108 Home
(661) 805-7120 Cell
Central Valley Racing Proposal for
The City of Porterville

Central Valley Racing is seeking to be the race promoter to co-host Motor Cross Races with the City of Porterville at the Porterville Off Highway Vehicle Park, 2701 W. Scranton.

We propose to co-host one race per month (Weather Permitting) beginning February 2012 through December 2012. Dates are not currently confirmed. We would like to reserve the right to co-host these events with the City of Porterville, Parks and Leisure Services around other city events to take place at the site, with the City Councils approval.

The following points is CVR’s Proposal:

**City will provide**
- Insurance coverage for both practice day and race
- Staff the entry to take money and signatures on waivers
- Staff flaggers
- Preparation and track maintenance for both days
- Provide EMT on site during race events
- PA system
- 100% of Saturday’s gate monies collected be retained by the City of Porterville

**CVR Will Provide on Race Day**
- Repair the starting gate
- Score Keepers on Race Day
- Provide and secure all entry forms
- Provide awards for all race classes
- Secure and manage parking, spectators, and camping area.
- Provide staff for clean-up of park following race event
- Promote the events – flyers, sponsors, radio and newspaper advertisement
- All cost covering race promotion will be the responsibility of CVR
- Collect of monies collected at the gate will be distributed 50/50 between the City and CVR.
## Promoter’s Estimated Budget

### Projected Expenditures

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Business License</td>
<td>$84</td>
</tr>
<tr>
<td>Starting Gate Repair</td>
<td>$300</td>
</tr>
<tr>
<td>Starter 2 @ $100</td>
<td>$200</td>
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<tr>
<td>Score Keepers 3 @ $100</td>
<td>$300</td>
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<td>Registration Staff 3 @ $100</td>
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<tr>
<td>Referee</td>
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<td>Security 2 x $20/hr x 10hrs</td>
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<tr>
<td>Medical Ambulance</td>
<td>$450</td>
</tr>
<tr>
<td>Park Clean up 5 x $10 x 3</td>
<td>$150</td>
</tr>
<tr>
<td>Two Porta Potties</td>
<td>$150</td>
</tr>
<tr>
<td>Awards</td>
<td>$1,500</td>
</tr>
<tr>
<td>Advertisement &amp; Misc Cost</td>
<td>$1,000</td>
</tr>
<tr>
<td>Promoter’s Fee</td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>$6,916.00</strong></td>
</tr>
</tbody>
</table>

### Projected Revenues

<table>
<thead>
<tr>
<th>Item</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race Entries 50 @ $30</td>
<td>$1,500</td>
</tr>
<tr>
<td>Race Entries 150 @ $20</td>
<td>$3,000</td>
</tr>
<tr>
<td>Spectators 10yrs / older 100 @ $10</td>
<td>$1,000</td>
</tr>
<tr>
<td>Spectators 10yrs / under 75 / 50%</td>
<td>$187.50</td>
</tr>
<tr>
<td>Sponsor</td>
<td>$300</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>$6,437.50</strong></td>
</tr>
</tbody>
</table>
COUNCIL AGENDA: January 17, 2012

SUBJECT: MONSTER ENERGY DRINK MOTOCROSS RACE PROPOSAL

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Staff has been contacted by Myron Short representing 2x Promotions with a proposal to operate the Central Valley segment of the Monster Energy Road to Mammoth Motorcycle Racing series at the Off Highway Vehicle Park, March 10 – 11, 2012.

2x Promotions will provide the insurance ($2,000,000 liability) naming the City of Porterville as an additional insurer. All necessary equipment and personnel (with the exception of track prep) will also be provided by 2x Promotions. The track will be rented to the Monster Series for $1,000 per day.

One hundred percent (100%) of the fees collected on practice days will be given to the City.

Staff is also seeking permission to permit overnight camping in the open space adjacent to the park for this event at $10 per unit.

RECOMMENDATION: That the City Council:
1) Approve the Motocross Race Proposal for March 10 – 11, 2012, with 2x Promotions at the OHV Park; and
2) Approve overnight camping for this event.
SUBJECT: SCE COOLING CENTERS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Staff from the City of Porterville was contacted by and met with representatives from SCE to discuss the proposal of opening a cooling center in the City of Porterville.

The Cooling Center Program provides safe, air-conditioned facilities where visitors can relax from the heat and avoid running their own cooling devices at home to help save on their electric bills. The Cooling Centers minimize harmful impacts on the environment by using less energy and reducing health hazards associated with extremely hot and uncomfortable temperatures. The Cooling Center will offer educational opportunities to help people utilize SCE’s low-income and energy efficiency programs.

Additionally, the Cooling Center will provide refreshments and snacks as well as transportation to and from the Center. Participants can bring reading material from home or participate in on-site activities such as crafts, games, and movies.

Potential Cooling Center contractors will submit a proposed budget to cover their operating expenses. If approved, contractors will receive a Purchase Order from SCE to conduct operations in accordance with a Statement of Work and will be reimbursed under the terms of a time and materials contract. Contractors will submit invoices on a monthly basis to SCE for reimbursement under the terms of the contract. The program costs outlined in the attached budget proposal are completely reimbursed by SCE. The start-up cost of the program is projected to be $1000.00. Staff is requesting a budget adjustment from the General Fund Reserves to cover this cost, which will be reimbursed from SCE and deposited back into the General Fund Reserves.

Staff is proposing utilization of the Santa Fe Center as the location for the proposed Cooling Center. The hours of operation would be from 10:00 am - 5:00 pm Monday – Friday from June 1 through October 15, 2012, excluding holidays.

Cooling Centers must provide transportation to and from their facilities for visitors who cannot get to them by themselves. This can be accomplished by operating a City vehicle and/or providing bus
passes, Dial-a-Ride, or other public transportation. Visitors are asked to sign-in when they arrive at the Cooling Center.

There are currently six SCE-funded Cooling Centers in Tulare County; they are located in Tulare (2), Visalia, Lindsay, Farmersville, and Goshen.

**RECOMMENDATION:** That the City Council:

1. Approve the budget proposal to enter into contractual services with SCE for the operation of a Cooling Center to be located at the Santa Fe Center; and

2. Approve the request for funds and the budget adjustment.

**ATTACHMENTS:** Preliminary Budget Proposal
2012 Cool Center Program Budget Proposal

Instructions: 1. Please enter amounts in the highlighted yellow areas only.
2. Please enter only whole dollar amounts where applicable.

Contractor: City of Porterville
Cool Center: Santa Fe Depot

D. Materials

Activity Supplies
Supplies associated with providing activities at the Cool Center.

Outreach
Expenses associated with informing the target population (low-income, seniors, and disabled persons) of the availability of the Cool Center and encouraging attendance.

Education
Expenses associated with producing and distributing materials associated with educating Cool Center visitors about energy efficiency and low-income programs.

Transportation
Facility Vehicle
Mileage associated with providing transportation to visitors to and from the Cool Center by operating a vehicle at $.51 per mile.

Bus Passes
Expenses associated with providing bus passes.

Employee Mileage
Mileage associated with business travel by employees using a vehicle at $.51 per mile.

Refreshments
Expenses associated with providing beverages and snack-foods to Cool Center visitors including:
1. Bottled water
2. Soft drinks
3. Coffee/tea
4. Chips, nuts, and popcorn
5. Fruit
6. Paper goods/utensils/cups

Total Materials
$ 510.00 Per Month

Total Labor and Materials
$ 5,790.00 Per Month

Submitted by: Mill Stowe
Title: Parks and Leisure Services Director
Date: 1/4/12
# 2012 Cool Center Program Budget Proposal

**Instructions:**
1. Please enter amounts in the highlighted yellow areas only.
2. Please enter only whole dollar amounts where applicable.

**Contractor:** City of Porterville  
**Cool Center:** Santa Fe Depot

## A. Total Cool Center Expenses

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>June - October Labor and Materials</td>
<td>Jan</td>
<td>Feb</td>
<td>Mar</td>
<td>Apr</td>
<td>May</td>
<td>Jun</td>
<td>Jul</td>
<td>Aug</td>
<td>Sep</td>
<td>Oct</td>
<td>Nov</td>
<td>Dec</td>
</tr>
<tr>
<td>May Start-Up</td>
<td>$4,000</td>
<td>$2,100</td>
<td>$1,600</td>
<td>$1,000</td>
<td>$800</td>
<td>$200</td>
<td>$500</td>
<td>$1,000</td>
<td>$1,000</td>
<td>$1,000</td>
<td>$500</td>
<td>$800</td>
</tr>
<tr>
<td>October Wrap-Up</td>
<td>$800</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
<td>$700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$4,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
<td>$6,800</td>
</tr>
</tbody>
</table>

## B. Estimated number of Cool Center visitors

150 Per Month  

*Prorated at 50% of monthly labor and materials.*

## C. Labor

### Hours/Month

Maximum total hours to be worked on Cool Center tasks per month.

### Hourly Rate

Fixed hourly rates for the applicable labor position for time spent directly engaged in performance of work by employees. Fixed hourly rates are inclusive of all overhead costs.

<table>
<thead>
<tr>
<th>Position</th>
<th>Title</th>
<th>Hours/Mo.</th>
<th>Hourly Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>On-Site Cool Center Coordinator (full-time)</td>
<td>160</td>
<td>$24.00</td>
<td>$3,840.00</td>
</tr>
<tr>
<td>2</td>
<td>Administrative Coordinator (half-time)</td>
<td>60</td>
<td>$24.00</td>
<td>$1,440.00</td>
</tr>
<tr>
<td>3</td>
<td>Vehicle Driver (if applicable)</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td><strong>Total Labor</strong></td>
<td></td>
<td><strong>5,280.00</strong></td>
<td>$</td>
<td><strong>Per Month</strong></td>
</tr>
</tbody>
</table>

Page 1 of 2
COUNCIL AGENDA: JANUARY 17, 2012

SUBJECT: FY2011 HOMELAND SECURITY GRANT

SOURCE: FIRE DEPARTMENT

COMMENT: The County of Tulare is charged with coordinating the FY11 Homeland Security Grant Program. Under the grant guidelines, the City of Porterville has been awarded $11,041 to purchase a Portacount 8030 Respirator Fit Test machine.

Under the terms of the grant program, the Fire Department will purchase the item, then the Fire Department will submit receipts for reimbursement. State funds have been allocated and reimbursement will not be an issue.

The funds required for the purchase of the respirator machine are available in the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund #EL-2997.”

RECOMMENDATIONS: That the City Council:

1) Authorize staff to purchase the equipment under the negotiated bid process;

2) Authorize the disbursement of funds from the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund #EL-2997” for initial costs; and

3) Authorize grant reimbursement funds to be deposited in account #EL-2997.

ATTACHMENTS: None
SUBJECT: 2011 TULARE COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN

SOURCE: FIRE DEPARTMENT

COMMENT: Tulare County received a post-disaster Hazard Mitigation Grant Program (HMGP) award for the purpose of developing a Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP) in 2008, with funds made available pursuant to Federal Disaster Declaration DR-1731 for the 2007 Southern California Wildfires. It was necessary to develop the LHMP to satisfy the requirements of the Disaster Mitigation Act of 2000 (DMA 2000), to make the County and participating jurisdictions therein eligible for both pre- and post-disaster mitigation project funding. These grant programs provide up to $3,000,000 in federal funds per approved project to reduce vulnerability to known hazards through a variety of permanent improvements.

Tulare County contracted with URS Corporation to author the LHMP. The Tulare County Office of Emergency Services led the planning team, which included representatives from Tulare County and the cities of Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare, Visalia, and Woodlake, the Tule River Tribe, the California Department of Transportation, Emergency Management Agency, Forestry & Fire Protection, and Highway Patrol, and the United States Army Corps of Engineers and National Parks Service.

The LHMP was developed over a period of 20 months, and contains the following major components:

- Hazard Analysis (includes Earthquake, Flood, Landslide, Dam Failure, Wildfire, Post-Fire Debris Flow, Energy Disruption, et al.)
- Vulnerability Analysis
- Capability Assessment
- Mitigation Strategies
- Jurisdiction-Specific Appendices
As of November 29, 2011, both the California Emergency Management Agency (CalEMA) and the Federal Emergency Management Agency (FEMA) have approved the LHMP, pending local adoption.

As a result, the City of Porterville has already taken advantage of its eligibility for Hazard Mitigation funding and has applied for Fiscal Year 2012 Pre-Disaster Mitigation (PDM12) funds based on FEMA’s approval, pending adoption.

**RECOMMENDATIONS:** That the City Council adopt the draft Resolution authorizing the 2011 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan.

**ATTACHMENTS:**
1) 2011 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan
2) Executive Summary of the LHMP
3) Draft Resolution
ATTACHMENT NO. 1
TULARE COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN

A complete copy of the Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan is available for public review in the Office of City Clerk, City Hall, 291 North Main Street, Porterville, CA 93257, (559) 782-7464, and is also available on the internet at: www.tularchmp.com.
EXECUTIVE SUMMARY

2011 TULARE COUNTY HAZARD MITIGATION PLAN

The 2011 Tulare County Hazard Mitigation Plan (2011 HMP) was developed in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and followed FEMA’s 2008 Local Hazard Mitigation Plan guidance.

In the past FEMA was concerned that communities were reacting to disasters without thinking too much about how to prevent losses in the future. Communities were also less aware of the risks from hazards. On October 20, 2000, Congress passed the Disaster Mitigation Act of 2000, which amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). This amendment repealed the act’s previous mitigation planning section (409) and replaced it with a new mitigation planning section (322). This new section emphasizes the need for State, Tribal and local entities to closely coordinate mitigation planning and implementation efforts. It also provided the legal basis for the Federal Emergency Management Agency’s (FEMA) mitigation plan requirements for mitigation grant assistance.

As a result of FEMA’s desire to have communities become proactive about hazard mitigation planning, DMA 2000 includes the following requirements:

- Communities must have a HMP in place to be eligible for certain types of funding
- The state must also have a HMP in place (California updated their plan in 2010)
- HMPs must be updated every 5 years

The 2011 Tulare County Hazard Mitigation Plan consists of nine sections and 17 appendices. A summary of each section follows:

Section 1: Introduction
This section provides an introduction to hazard mitigation planning; an overview of DMA 2000, grant programs with mitigation plan requirements, plan participants; and a description of the HMP that Tulare County has developed to assess the risks posed by natural and human-caused hazards and to develop a mitigation strategy to reduce these risks. The Tulare County Office of Emergency Services (OES) has coordinated the preparation of the 2011 HMP in cooperation with several cities, the Tule River Tribe, and the Tulare County Office of Education.

Section 2: Record of Adoption
Section 2 addresses the adoption of the 2011 HMP by the participating jurisdictions. The adoption resolutions are provided in Appendix B, Adoption Resolutions.

Section 3: Planning Process
Section 3 describes the planning process. Specifically, this section describes the plan development process and identifies the members and activities of the Hazard Mitigation Planning Committee, including a description of the meetings held as part of the planning process. This section also documents public outreach activities and discusses the review and incorporation of relevant plans, reports, and other

ATTACHMENT NO. 2
appropriate information. Additional information regarding the meetings and public outreach efforts is found in Appendix D, Planning Committee Meetings, and Appendix E, Public Outreach.

Section 4: Hazard Analysis

Section 4 describes the process through which the Planning Committee identified, screened, and selected the hazards to be profiled in the 2011 HMP. The hazard analysis includes the nature, history, location, extent, and probability of future events for each hazard. For the 2011 HMP the following hazards have been profiled:

- Avalanche
- Biological hazard
  - Medical hazard
  - Agricultural hazard
- Civil disturbance
- Earthquake
- Energy emergency
- Flood
- Riverine, shallow, and localized
- Dam failure
- Levee failure
- Fog
- Hazardous materials
- Mobile incident
- Fixed incident
- Heat
- Landslide/mudslide
- Post-fire debris flow
- Severe winter storm
- Terrorism
- Volcano
- Wildfire

Figures showing the locations subject to the various hazards and the historical occurrences of hazards are provided in Appendix C, Hazard Figures.

Section 5: Vulnerability Analysis

A vulnerability analysis predicts the extent of exposure that may result from a hazard event of a given intensity in a given area. The analysis provides quantitative data that may be used to identify and prioritize potential mitigation measures by allowing communities to focus attention on areas with the greatest risk of damage.

Section 5 describes the methodology for analyzing potentially vulnerable assets (i.e., population, residential building stock, and critical facilities and infrastructure, such as community services facilities, government buildings, public safety facilities, and public works facilities). This information was compiled by assessing the potential impacts of each hazard using Geographic Information System (GIS) data. The results of the analysis are provided in the jurisdiction-specific appendices, Appendices G through Q.

Section 6: Capability Assessment

Section 6 describes the recommendations for the capability assessment for the plan participants from the California Emergency Management Agency (CalEMA) and the requirements of the capability assessment for the participating tribal jurisdiction. The assessment for each participating jurisdiction is provided in the jurisdiction-specific appendices, Appendices G through Q.

In each appendix, the capability assessment evaluates the human and technical, financial, and legal and regulatory resources available for hazard mitigation for each participating jurisdiction. The results of the capability assessment also list the current, ongoing, and completed mitigation projects and programs for each participating jurisdiction.
Section 7: Mitigation Strategy
Section 7 provides a blueprint for reducing the potential losses identified in the vulnerability analysis. The Planning Committee created a list of twenty mitigation projects. Through an evaluation and prioritization process described in this section, each participating jurisdiction selected high-priority projects to include in its mitigation action plan.

Section 8: Plan Maintenance
Section 8 describes the formal plan maintenance process to ensure that the 2011 HMP remains an active and applicable document. The plan maintenance process consists of monitoring, evaluating, and updating the plan; monitoring mitigation projects and closeout procedures; implementing the plan through existing planning mechanisms; and achieving continued public involvement. Forms to assist in plan maintenance are found in Appendix F, Plan Maintenance.

Section 9: References
Section 9 lists the references used to develop this document.

Appendices
Appendices A-F, provide supplementary documents and figures. Appendices G-Q, provide jurisdiction specific information, including the vulnerability analysis, capability assessment and mitigation strategy.

- Appendix A - FEMA Crosswalk
- Appendix B - Adoption Resolutions
- Appendix C - Hazard Figures
- Appendix D - HMP Planning Committee Meetings
- Appendix E - Public Outreach
- Appendix F - Plan Maintenance Documents
- Appendix G - Tulare County
- Appendix H - City of Dinuba
- Appendix I - City of Exeter
- Appendix J - City of Farmersville
- Appendix K - City of Lindsay
- Appendix L - City of Porterville
- Appendix M - City of Tulare
- Appendix N - City of Visalia
- Appendix O - City of Woodlake
- Appendix P - Tulare County Office of Education
- Appendix Q - Tule River Tribe
RESOLUTION NO. _____-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING 2011 TULARE COUNTY MULTI-JURISDICTIONAL
LOCAL HAZARD MITIGATION PLAN

WHEREAS, the City of Porterville recognizes the threat that natural hazards
pose to people and property within our community; and

WHEREAS, undertaking hazard-mitigation actions will reduce the potential for
harm to people and property from future hazard occurrences; and

WHEREAS, an adopted Multi-Jurisdictional Local Hazard Mitigation Plan is
required as a condition of future funding for mitigation projects under multiple FEMA
pre and post disaster mitigation grant programs; and

WHEREAS, the City of Porterville fully participated in the FEMA-prescribed
mitigation planning process to prepare this Multi-Jurisdictional Local Hazard Mitigation
Plan; and

WHEREAS, the California Emergency Management Agency and Federal
Emergency Management Agency, Region IX officials have reviewed the Tulare County
Multi-Jurisdictional Local Hazard Mitigation Plan and approved it on November 30,
2011, contingent upon this official adoption of the participating governments and entities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of
Porterville hereby adopts the 2011 Tulare County Multi-Jurisdictional Local Hazard
Mitigation Plan as an official plan; and

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville
will submit this Adoption Resolution to Tulare County Office of Emergency Services to
enable the plan’s final approval.

PASSED, ADOPTED AND APPROVED this ____ day of January , 2012

___________________________________________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

___________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
CONSENT CALENDAR

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: A portion of the City's Community Development Block Grant (CDBG) funds are allocated for economic development through the Business Assistance Program. This report provides the City Council with an update regarding the program.

The Business Assistance Program provides funding for projects which meet one of the three (3) national CDBG objectives: 1) expanding economic opportunities, principally for low- and moderate-income persons; 2) aiding in the prevention or elimination of slums or blight; and 3) meeting community development needs that have a particular urgency. The City's program focuses on providing funding assistance to businesses, which will in turn create jobs while increasing the overall economic base of the community. It is important to note that 51% of the jobs created or retained by each CDBG-assisted business expansion or retention project will be filled by, or made available to, persons of low- and moderate-income.

The program mandates the creation or retention of one job for each $35,000 in assistance. The loans reported below represent the creation or retention of 57 full-time equivalent jobs. To date more than 129 jobs have been created/retained as part of the Business Assistance contracts, and ongoing monitoring shows that more than 500 jobs were created/retained through these projects.

Large Business:

The first category of assistance is for large projects which require funding in excess of $50,000. In this scenario, funds are typically used for construction of improvements, equipment purchases, and acquisition of land and/or buildings. Currently, the Large Business Assistance Program has three (3) active loans in its portfolio.

Listed below is a summary of the Large Business Assistance Program loans:

DD Appropriated/Funded The CM Item No. 10
<table>
<thead>
<tr>
<th>Loan #/Business Type</th>
<th>Use of Funds</th>
<th>Original Loan Amount</th>
<th>Loan Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAP 03001 ProDocumentSolutions Printing Facility</td>
<td>Parking Lot Improvements, Security Equipment</td>
<td>$355,000</td>
<td>$57,379</td>
</tr>
<tr>
<td>BAP 01001 Charles and Jan Crissman Automobile Body Repair</td>
<td>Acquisition</td>
<td>$100,000</td>
<td>$90,740</td>
</tr>
<tr>
<td>BAP 01003 Mark Sidley’s Porterville Chrysler New Automobile Sales</td>
<td>Inventory and Working Capital</td>
<td>$250,000</td>
<td>$201,800</td>
</tr>
</tbody>
</table>

Small Business:

The second category of the Business Assistance Program is the Small Business Revolving Loan Program. The main objective of this program is to provide “gap” funding for small businesses that are either starting or expanding in Porterville. In 2011, one new loan was approved and one loan was modified to provide additional funding for equipment. Currently, the Small Business Revolving Loan Program has eight (8) active loans in its portfolio.

Listed below is a summary of the Small Business Revolving Loans:

<table>
<thead>
<tr>
<th>Loan #/Business Type</th>
<th>Use of Funds</th>
<th>Original Loan Amount</th>
<th>Loan Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFL 00109 Alla Liberstein, MD Medical Practice</td>
<td>Equipment</td>
<td>$45,000</td>
<td>$14,586</td>
</tr>
<tr>
<td>RLF 01002 Plano Jerky Manufacturing/Retail</td>
<td>Expansion of Facility</td>
<td>$15,000</td>
<td>$10,267</td>
</tr>
<tr>
<td>RLF 01003 Porterville Ford Automobile Sales</td>
<td>Equipment and Signage</td>
<td>$38,000</td>
<td>$30,174</td>
</tr>
<tr>
<td>RLF 01006 McLaughlin Plumbing Professional Services</td>
<td>Working Capital</td>
<td>$50,000</td>
<td>$46,143</td>
</tr>
<tr>
<td>Loan #/Business Type</td>
<td>Use of Funds</td>
<td>Original Loan Amount</td>
<td>Loan Balance</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-------------------------------</td>
<td>----------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>RLF 01007 BMK, Inc. Retail</td>
<td>Working Capital</td>
<td>$50,000</td>
<td>$46,226</td>
</tr>
<tr>
<td>RLF 01009 Dayla and Massey Missakian</td>
<td>Working Capital</td>
<td>$50,000</td>
<td>$47,055</td>
</tr>
<tr>
<td>Professional Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RLF 01010 William and Glenda Mauldin</td>
<td>Working Capital</td>
<td>$30,000</td>
<td>$28,506</td>
</tr>
<tr>
<td>Retail</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RLF 01012 Elsa Medina Restaurant</td>
<td>Equipment and Working Capital</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

The balance available for lending in the Business Assistance Program for large projects is $124,181, and the balance in the Small Business Revolving Loan Program is $142,729.

RECOMMENDATION: For information only.
SUBJECT: STATUS REPORT - DEVELOPER IMPACT FEES

SOURCE: Finance Department

COMMENT: Pursuant to Government Code Section 66006 (b) (1), a detailed fund analysis of the Capital Improvement Funds containing Developer Impact Fees has been prepared. In accordance with Section 66006(b) (2), a copy of this analysis was delivered to the Home Builders Association of Tulare/Kings Counties, Inc (HBA), per their request, at least fifteen days prior to this Council meeting.

The format and content of this analysis have been developed around criteria previously approved by the HBA. As of June 30, 2011, the City is in compliance with the requirements of the Code.

RECOMMENDATION: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2011.

ATTACHMENT: Status Report
### Developer Impact Fee Summary 2010/11

<table>
<thead>
<tr>
<th></th>
<th>Beginning Balances As of July 1, 2010</th>
<th>Fees Collected</th>
<th>Interest Earned</th>
<th>Exhibit No. 2 Eligible D.I.F. Expenditures</th>
<th>Ending Balances As of June 30, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Acreage Fee</td>
<td>$ (13,129,460)</td>
<td>$ 144,879</td>
<td>$ 22,086</td>
<td>$ (3,259,820)</td>
<td>$ (16,222,316)</td>
</tr>
<tr>
<td>Sewer Acreage Fee</td>
<td>$ (2,613,717)</td>
<td>$ 50,848</td>
<td>$ 16,130</td>
<td>$ (8,621)</td>
<td>$ (2,555,360)</td>
</tr>
<tr>
<td>Storm Drain Fee</td>
<td>$ 1,490,138</td>
<td>$ 477,545</td>
<td>$ 33,448</td>
<td>$ (31,830)</td>
<td>$ 1,969,302</td>
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<tr>
<td>Transportation Impact Fee</td>
<td>$ 647,542</td>
<td>$ 205,641</td>
<td>$ 12,758</td>
<td>$ (150,000)</td>
<td>$ 715,942</td>
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<tr>
<td>Park Impact Fee</td>
<td>$ -</td>
<td>$ 62,698</td>
<td>$ 42</td>
<td>$ (62,740)</td>
<td>$ -</td>
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## CITYOF PORTERVILLE
### DEVELOPER FEE-FUNDED PROJECTS
#### 2010/11

<table>
<thead>
<tr>
<th></th>
<th><strong>Total Expenditure</strong></th>
<th><strong>Allowed D.I.F. Percentage</strong></th>
<th><strong>Eligible D.I.F. Expenditure</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water Projects</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Master plan update</td>
<td>$ 74.80</td>
<td>100%</td>
<td>$ 74.80</td>
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<tr>
<td>Jaye Stree water extension</td>
<td>60,174.42</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Water Well #32</td>
<td>214.94</td>
<td>100%</td>
<td>214.94</td>
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<tr>
<td>Rehabilitate wells</td>
<td>207,614.37</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Martin Hill booster</td>
<td>1,261,830.84</td>
<td>100%</td>
<td>1,261,830.84</td>
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<tr>
<td>Master plan payoff</td>
<td>316.86</td>
<td>100%</td>
<td>316.86</td>
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<tr>
<td>Veterans Park booster pump</td>
<td>173,991.96</td>
<td>100%</td>
<td>173,991.96</td>
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<tr>
<td>Rocky Hill Zone 1</td>
<td>723,754.72</td>
<td>100%</td>
<td>723,754.72</td>
</tr>
<tr>
<td>Water well #31</td>
<td>59,564.71</td>
<td>100%</td>
<td>59,564.71</td>
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<td>Scenic Heights tank analysis</td>
<td>13,389.30</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Olive - Plano to 2nd pipe</td>
<td>221,567.94</td>
<td>100%</td>
<td>221,567.94</td>
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<tr>
<td>Water balancing study</td>
<td>2,453.62</td>
<td>100%</td>
<td>2,453.62</td>
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<tr>
<td>Morton / Matthew trunk line</td>
<td>815,062.13</td>
<td>100%</td>
<td>815,062.13</td>
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<tr>
<td>Morton / Westwood to Newcomb</td>
<td>987.70</td>
<td>100%</td>
<td>987.70</td>
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<tr>
<td><strong>WATER TOTAL</strong></td>
<td><strong>$ 3,540,998.31</strong></td>
<td></td>
<td><strong>$ 3,259,820.22</strong></td>
</tr>
<tr>
<td><strong>Sewer Projects</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Master plan paybacks</td>
<td>$ 8,589.72</td>
<td>100%</td>
<td>$ 8,589.72</td>
</tr>
<tr>
<td>Annexation sewer projects</td>
<td>86,909.16</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Install 2nd bar screen</td>
<td>44,414.11</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Nitrification/Denitrification Study</td>
<td>31.00</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Jaye St - 190 to Gibbons</td>
<td>129,784.94</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Blower project</td>
<td>3,287.72</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>HVAC replacements (3)</td>
<td>36,074.08</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Reclamation extraction well</td>
<td>46,605.57</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Sewer master plan update</td>
<td>31.00</td>
<td>100%</td>
<td>31.00</td>
</tr>
<tr>
<td>WWTF discharge report</td>
<td>21,871.52</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>WWTF monitoring wells</td>
<td>28,621.41</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Daft unit upgrade</td>
<td>14,304.14</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Reclamation Road 216</td>
<td>51.29</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td>Operations building reroof project</td>
<td>67,377.20</td>
<td>0%</td>
<td>0.00</td>
</tr>
<tr>
<td>Mill to Murry</td>
<td>529.50</td>
<td>0%</td>
<td>0.00</td>
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<tr>
<td><strong>SEWER TOTAL</strong></td>
<td><strong>$ 488,482.36</strong></td>
<td></td>
<td><strong>$ 8,620.72</strong></td>
</tr>
<tr>
<td>Storm Drain Projects</td>
<td>Total Expenditure</td>
<td>Allowed D.I.F. Percentage</td>
<td>Eligible D.I.F. Expenditure</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>-------------------</td>
<td>--------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Master plan paybacks</td>
<td>$1,519.05</td>
<td>100%</td>
<td>$1,519.05</td>
</tr>
<tr>
<td>Jaye St project</td>
<td>$2,203.79</td>
<td>100%</td>
<td>$2,203.79</td>
</tr>
<tr>
<td>Flood management ordinance update</td>
<td>$18,910.11</td>
<td>100%</td>
<td>$18,910.11</td>
</tr>
<tr>
<td>Montgomery St roundabout</td>
<td>$2,164.48</td>
<td>100%</td>
<td>$2,164.48</td>
</tr>
<tr>
<td>Tomah - Porter / Wisconsin</td>
<td>$1,985.25</td>
<td>100%</td>
<td>$1,985.25</td>
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<tr>
<td>OHV Park improvements - storm drain</td>
<td>$5,047.55</td>
<td>100%</td>
<td>$5,047.55</td>
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<tr>
<td><strong>STORM DRAIN TOTAL</strong></td>
<td><strong>$31,830.23</strong></td>
<td></td>
<td><strong>$31,830.23</strong></td>
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<table>
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<th>Transportation Projects</th>
<th>Total Expenditure</th>
<th>Allowed D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt service</td>
<td>$150,000.00</td>
<td>100%</td>
<td>$150,000.00</td>
</tr>
<tr>
<td><strong>TRANSPORTATION TOTAL</strong></td>
<td><strong>$150,000.00</strong></td>
<td></td>
<td><strong>$150,000.00</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Park Projects</th>
<th>Total Expenditure</th>
<th>Allowed D.I.F. Percentage</th>
<th>Eligible D.I.F. Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt service - sports complex</td>
<td>$55,204.12</td>
<td>100%</td>
<td>$55,204.12</td>
</tr>
<tr>
<td>Sports complex parking lease</td>
<td>$7,535.61</td>
<td>100%</td>
<td>$7,535.61</td>
</tr>
<tr>
<td><strong>PARK TOTAL</strong></td>
<td><strong>$62,739.73</strong></td>
<td></td>
<td><strong>$62,739.73</strong></td>
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<tr>
<td></td>
<td>Hillside Development</td>
<td>Single Family (R-1)</td>
<td>Duplex (R-2)</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------</td>
<td>---------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Water Acreage Fee / Acre</td>
<td>$1,410</td>
<td>$2,941</td>
<td>$7,363</td>
</tr>
<tr>
<td>Sewer Acreage Fee / Acre</td>
<td>$961</td>
<td>$1,797</td>
<td>$4,175</td>
</tr>
<tr>
<td>Storm Drain Fee / Acre</td>
<td>$-</td>
<td>$4,845</td>
<td>$6,463</td>
</tr>
<tr>
<td>Transportation Fee / Unit</td>
<td>$-</td>
<td>$1,036</td>
<td>$701</td>
</tr>
<tr>
<td>Park Impact Fee / Unit</td>
<td>$-</td>
<td>$644</td>
<td>$500</td>
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</tbody>
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COUNCIL AGENDA - JANUARY 17, 2012

SUBJECT: JUNE 5, 2012 CITY OF PORTERVILLE GENERAL MUNICIPAL ELECTION: CALL FOR ELECTION; REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Certain decisions must be made by the City Council with regard to the upcoming Municipal Election of June 5, 2012. With regard to the three City Council seats, the areas in question are as follows:

A. Regarding Candidates' Statements:
   1. If they are to be allowed.
   2. If the candidate will have to pay the pro rata cost of printing and distributing the candidates' statements of 200 words or less (cost of mailing not included). The County estimates this cost to be approximately $100 per candidate.
   3. If other mailing of election material is to be permitted.

B. If County Services will be used for the following:
   1. Print and mail to the qualified electors of the General Municipal Election sample ballots and voter pamphlets.
   2. Provide Vote by Mail (Absentee) ballots for said General Municipal Election for use by the qualified electors who may be entitled to such ballots in the manner provided by law.
   3. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
   4. Conduct and canvass the returns of the election and certify the votes cast to the City Council as set forth in Election Code Sec. 10262.
   5. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.
   6. Recount votes, if requested, in accordance with state law.
   7. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
   8. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission and the issuance of nomination papers.

Item No. 12
C. The designation for the Central Counting of Ballots:
   1. Designate counting place for ballots (Tulare County Election Department, 5951 S. Mooney Blvd., Visalia, California).

   The Tulare County Registrar of Voters estimates that the cost for this election will be approximately $41,734 to $45,528.

   As was previously discussed with the City Council, a cost savings could be achieved if the City’s general election date was moved to November of even years. The Registrar of Voters estimates that if our upcoming June election were to be held in November, the estimated cost would be approximately $18,970 to $22,764, a savings of approximately $22,764, or 50% to 54%. Changing the date of the City’s general election requires approval by the electorate. The deadline for adding a ballot measure to the June 5, 2012 election is 88 days prior to the election, or March 9th. In the event a ballot measure is added to the agenda, the cost will slightly increase due to additional printing and publication expenses. At the Council’s direction, City Clerk staff is prepared to work with the City Attorney to develop the ballot measure and resolution calling the election, and present same to the Council for its consideration at the second meeting in February.

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, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 5, 2012, General Municipal Election;

   2. Adopt the draft resolution calling the election for June 5, 2012; 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 5, 2012 Election;

   4. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and

   5. Provide direction to staff relative to a potential ballot measure moving the City’s general election from June of even years to November of even years.

ATTACHMENTS: 1. Draft resolution calling the election; requesting and consenting to the consolidation of elections; and setting specifications of the election order
   2. Draft resolution requesting specific County services
   3. Registrar of Voter’s Cost Estimate for Election
RESOLUTION NO. ______-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REQUESTING THE TULARE COUNTY BOARD OF SUPERVISORS PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER SPECIFIED SERVICES TO THE CITY OF PORTERVILLE FOR THE GENERAL MUNICIPAL ELECTION OF JUNE 5, 2012

WHEREAS, pursuant to the Elections Code, the governing body of any city may, by Resolution, request the Board of Supervisors of the county to permit the county elections official to render specified services to the city relating to the conduct of an election; and

WHEREAS, the City of Porterville has ordered an election be held within the boundaries of the City on June 5, 2012;

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

The Board of Supervisors of Tulare County is hereby requested to permit the County Registrar of Voters to render services to the City of Porterville relating to the conduct of the June 5, 2012 General Municipal Election as follows:

1. That County services be used to:
   a. Prepare, print and mail to the qualified electors of the City General Municipal Election sample ballots and voter pamphlets.
   b. Provide Vote by Mail (Absentee) ballots for said General Municipal Election for use by the qualified electors who may be entitled to Vote by Mail (Absentee) ballots in the manner provided by law.
   c. Order the consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
   d. Conduct and canvass the returns of the election and certify the votes cast to the City.
   e. Receive and process Vote by Mail (Absentee) applications.
   f. Prepare, print and deliver supplies to the polling places, including the official ballots and a receipt for said supplies.
g. Recount votes, if requested, in accordance with state law.

h. Conduct the above election duties in accordance with the Voting Rights Act of 1975.

i. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission and the issuance of nomination papers.

2. Authorize and direct the City Clerk to transmit certified copies of this Resolution to the Board of Supervisors and to the County Registrar of Voters.

ADOPTED this _____ day of January, 2012.

__________________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

__________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. _____-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CALLING THE GENERAL MUNICIPAL ELECTION OF JUNE 5, 2012
AND REQUESTING AND CONSENTING TO CONSOLIDATION
OF ELECTIONS; AND SETTING SPECIFICATIONS
OF THE ELECTION ORDER

WHEREAS, pursuant to the Elections Code, the governing body of any city may, by
resolution, request the Board of Supervisors of the county to permit the Registrar of Voters to render
specified services to the city relating to the conduct of an election; and

WHEREAS, other elections may be held in whole or in part of the territory of the City of
Porterville and it is to the advantage of the City of Porterville to consolidate pursuant to Elections
Code Section 10400; and

WHEREAS, there will be a General Municipal Election held within the boundaries of the
City, in conjunction with a County-wide Election, on June 5, 2012;

WHEREAS, Elections Code Section 10242 provides that the governing board shall determine
the hours of opening and closing the polls; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full
for the services performed upon presentation of a bill to the City by the County Elections Official;
and

WHEREAS, Elections Code Section 13307 requires that before the nominating period opens,
the governing body must determine whether a charge shall be levied against each candidate
submitting a candidate’s statement to be sent to the voters; and

WHEREAS, Elections Code Section 12101 requires the publication of a notice of the election
once in a newspaper of general circulation in the City;

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

1. The City of Porterville General Municipal Election is hereby called for June 5, 2012,
shall be and is hereby ordered consolidated with the Primary Election to be held
within the City on said date, and within the territory affected by the consolidation.
The election shall be held and conducted, election officers appointed, voting
precincts designated, ballots printed, polls opened and closed, ballots counted, and
returned, returns canvassed, results declared, and all other proceedings incidental to
and connected with the election shall be regulated and done in accordance with the
provisions of law regulating the election as specified herein. The Board of
Supervisors of Tulare County, and the Tulare County Registrar of Voters, are hereby requested to order the consolidation of the general municipal election hereby called with the other election to be held within the City on said date, and within the territory affected by the consolidation, and the Board and the Registrar of Voters are hereby authorized to canvass the returns of said municipal election, and said municipal election shall be held in all respects as if there were only one election and the form of ballot shall be as provided for the other election. The County shall certify results of the canvass of the returns of said general municipal election to the City Council which shall thereafter declare the results thereof.

2. That the election be held in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

A. The Election shall be held on Tuesday, the 5th day of June, 2012. The purpose of the election is to choose successors for the following offices:

Three (3) Members of the City Council
(Full Term of Four Years)

B. The Porterville City Council hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the City, as provided in Elections Code Section 10400.

C. The City of Porterville hereby designates the hours the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.

D. The City of Porterville will reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the Elections Official.

E. The Porterville City Council had determined that the City of Porterville will pay for the Candidate’s Statement. The Candidate’s Statement will be limited to 200 words, with no additional mailings.

F. The Porterville City Council hereby directs the City Clerk forward a certified copy of this Resolution to the Registrar of Voters, and the Board of Supervisors of Tulare County.
PASSED, APPROVED, AND ADOPTED this _____ day of January, 2012.

__________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

__________________________
Patrice Hildreth, Chief Deputy City Clerk
January 5, 2012

Patrice Hildreth
City of Porterville
291 North Main Street
Porterville, CA 93257

Dear Patrice,

This is to follow up on your request for the cost to conduct an Election for the City of Porterville consolidated with our June 5, 2012 Primary. I have also included an estimate if you were to consolidate with the November 6, 2012 election. This estimate is based on prior election history. However, the ultimate cost of the election may change from this estimate due to various factors such as the number of registered voters in the District; the number of districts that will be in the election; possible changes in printing and mailing cost. Our estimate for the District to conduct an election is as follows:

<table>
<thead>
<tr>
<th>Registration: 15,176 (@10/28/2011)</th>
<th>Primary</th>
<th>General</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>June 5, 2012</td>
<td>November 6, 2012</td>
</tr>
<tr>
<td>Per Voter</td>
<td>$2.75 to $3.00</td>
<td>$1.25 to $1.50</td>
</tr>
<tr>
<td>Total Estimate</td>
<td>$41,734 to $45,528</td>
<td>$18,970 to $22,764</td>
</tr>
</tbody>
</table>

The Elections office would appreciate notification of any changes at least 120 days from the election date. If you have any additional questions, please do not hesitate to contact me at (559) 624-7308.

Sincerely,

Kari McCully
Deputy Elections Supervisor
SUBJECT: AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN –
UNREPRESENTED MANAGEMENT

SOURCE: ADMINISTRATIVE SERVICES/ HUMAN RESOURCES

COMMENT: In an effort to address the increased costs associated with the City’s participation in
the California Public Employees Retirement System (CalPERS), unrepresented
executive management employees have agreed to pay, effective February 1, 2012, an
additional two percent towards the City’s contribution rate into the retirement
system. This group of employees consists of employees who are not designated for
purposes of recognition and representation in collective bargaining, pursuant to and
within the scope of the Meyers-Milias-Brown Act.

City Council acceptance and approval of authorized changes in wages, benefits and
conditions of employment are commonly made by amendments, when applicable, to
those documents necessary to implement such changes. The attached resolution,
covering unrepresented Local Safety Management Employees and unrepresented
Local Miscellaneous Management Employees is consistent with the guidelines
provided by the Council.

RECOMMENDATION: That the City Council approve the attached draft resolution amending
the Employee Pay and Benefit Plan for all unrepresented management
employees.

Attachment: Draft Resolution
RESOLUTION NO. ______-2012

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

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

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

WHEREAS, the City Council agrees that unrecognized executive employees should also be acknowledged through such amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions designated as unrepresented Local Safety Management Employees and unrepresented Local Miscellaneous Management Employees, i.e., employees not designated for purposes of recognition and representation, are hereby amended as follows:

I. CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CalPERS)

Effective 02-01-12, unrepresented Local Safety Management Employees (in exception to Police Lieutenants) and unrepresented Local Miscellaneous Management Employees shall pay two percent (2%) of the employer contribution rate which shall be determined according to the employee’s base salary.

Effective 02-01-12, Police Lieutenants shall begin paying 9% of the employee’s pre-taxed monthly retirement contribution.
II. **SALARIES**

Effective 02-01-12, Police Lieutenants shall receive a 7% salary increase.

III. **STRATEGIC RETIREMENT ADVISORS**

Effective 02-01-12, or as soon thereafter as possible, the City will contract with Strategic Retirement Advisors, LLC to provide unrepresented management employees with an additional investment advisor vendor.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

__________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By ___________________________

Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8690 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on December 20, 2011, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of $361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately $270,000 was approved. All repair projects are to be completed by no later than July 2012.

As was previously reported, staff made application for almost $2 million in State Office of Emergency Services (OES) grant funds, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Schedule the Consideration of Allowing the Participation of a Representative of the City's Youth Commission at City Council Meetings

SOURCE: City Manager

COMMENT: Council Member Shelton has requested that the City Council authorize the scheduling on the next Council Agenda the consideration of allowing a representative of the City's Youth Commission to sit with the City Council on the dais and participate in its meeting to the extent defined by Council.

RECOMMENDATION: Council Member Shelton makes the motion that the City Council authorize the scheduling on the February 7th Council Agenda the consideration of allowing the participation of a representative of the City's Youth Commission at City Council meetings.

ATTACHMENT: None
CITY COUNCIL AGENDA: JANUARY 17, 2012

PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT TO ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE WALMART LOCATED AT 1250 W. HENDERSON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit PRC-2011-30-C to allow for an upgrade of an off-sale Type 20 license to an off-sale Type 21 license, which would allow the sale of beer, wine and distilled spirits at the Walmart located at 1250 W. Henderson Avenue.

On May 20, 2008, the Porterville City Council adopted Resolution 44-2008 containing findings of support for Conditional Use Permit 3-2008 to expand retail sales on the property to include a Type 20 beer and wine license. On November 22, 2011, the applicant submitted a new application to the Project Review Committee (PRC) to consider a new conditional use permit to allow for an upgrade in their license.

The Department of Alcoholic Beverage Control Board (ABC), has indicated that a total of ten (10) off-sale licenses are allowed in Census Tract 35. Currently, two (2) Type 20 beer and wine licenses and five (5) Type 21 beer, wine, and distilled spirits licenses exist. Walmart representatives expressed that the existing Type 20 license would be surrendered to ABC if the alcohol upgrade was approved.

ANALYSIS: Section 301.03 of the Porterville Development Ordinance requires a conditional use permit for any use involving the sale of alcoholic beverages under an on-sale or off-sale license. The surrounding residential and commercial uses remain the same as when the original conditional use permit was approved. Walmart is located within the Crossroads Shopping Center. Land uses within 300 feet are: Monache High School immediately to the west; Prospect Street and a church to the east; Henderson Avenue and Porterville Marketplace to the south and Mulberry Avenue and residences to the north.

The previously approved specific area of the store where the beer and wine is shelved and accessible to the public has remained unchanged as identified on Attachment 2 of the staff report. The alcohol upgrade proposes an additional “liquor” area that is secured and accessible by Walmart employees only, and is also shown on Attachment 2. This “bullpen” area is located on one side of an aisle between the first row of registers and is not accessible to the public.

DD APPROPRIATED/FUNDED N/A CM ITEM NO. 16
Allowing beer, wine and distilled spirits to be sold with other merchandise could be a viable economic asset to the community and may contribute tax revenues to the local economy. It is not anticipated that this use would have a negative impact on the surrounding properties as off-site alcohol sales already exist at the store. Conditions of approval are in place to protect the public safety and interest. Due to the proximity of sensitive uses (schools, public buildings etc.) no alcohol advertising shall be displayed on the exterior of the building or that could be visible from the public street.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-30-C subject to conditions of approval.

ATTACHMENTS: Complete Staff Report including Draft Resolution
CITY COUNCIL AGENDA: JANUARY 17, 2012

STAFF REPORT

SUBJECT: CONDITIONAL USE PERMIT TO ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE WALMART LOCATED AT 1250 W. HENDERSON AVENUE

APPLICANT: Brent McManigal, for
Gresham Savage, Nolan & Tilden
550 East Hospitality Lane, Suite 300
San Bernadino, CA 92408

PROPERTY OWNER: Walmart Stores Inc.
Mitchell Building
701 S. Walton Blvd
Bentonville, Arkansas 72716

PROJECT DESCRIPTION: The applicant is requesting approval of Conditional Use Permit PRC-2011-30-C to allow for an upgrade from an off-sale Type 20 beer and wine license to an off-sale Type 21 beer, wine & distilled spirits license for the Walmart located at 1250 West Henderson Avenue.

SIZE OF PROPERTY: 13.75± acres

GENERAL PLAN CLASSIFICATION: Retail Center

ZONING CLASSIFICATION: CR (Retail Centers) District

SURROUNDING ZONING LAND USE:

North: City RS-2 - Single Family Residential Subdivision
West: City PS – Public and Semi Public - Monache High School
South: City CR – Retail Centers - Commercial Shopping Center
East: City PD – Planned Development (church, residential condominiums)

Zoning: The sale of alcoholic beverages is allowed in all zone districts with a conditional use permit, making the existing and proposed alcohol licenses permissible in the CR Retail Centers zone district upon approval of a conditional use permit by the City Council.

Development Ordinance Conformity: The project site meets Development Ordinance requirements for design, lot coverage, and parking. Currently, there are no building permits or code violations on file with the Community Development, Engineering, or Police Departments for the Walmart store.
LEGAL NOTICES:

<table>
<thead>
<tr>
<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Categorically exempt from CEQA</td>
<td>January 4, 2012</td>
<td>January 5, 2012</td>
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ENVIRONMENTAL SETTING:
Pursuant to “General Rule” Exemption 14 Ca. Admin. Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

PROJECT DESCRIPTION/ANALYSIS:
In 2008 the City Council approved a conditional use permit (CUP) for Walmart to expand retail sales and include the sale of beer and wine. The specific area of the store where the beer and wine is shelved and accessible to the public has remained unchanged as identified on Attachment 2. The alcohol upgrade proposes an additional “liquor” area that is secured and accessible by Walmart employees only, and is also shown on Attachment 2. This “bullpen” area is one side of an isle between the first row of registers and is not accessible to the public.

Sensitive uses near the Walmart property include Monache High School located adjacent to the west of the Walmart property. Additionally, a church is located across the street to the east and a residential neighborhood is to the north.

City Staff contacted the Department of Alcoholic Beverage Control Board (ABC), and staff indicated that a total of ten (10) off-sale licenses are allowed in Census Tract 35. Currently, two (2) Type 20 beer and wine licenses and five (5) Type 21 beer, wine, and distilled spirits licenses exist. Walmart representatives expressed that the existing Type 20 license would be surrendered to ABC if the alcohol upgrade was approved. The number of off-sale licenses allowed in Census Tract 35.00 is ten (10), therefore, no over concentration exists.

Section 301.03 of the Porterville Development Ordinance states a conditional use permit is required for any use involving the sale of alcoholic beverages under an on-sale or off-sale license. As such, the project was submitted and reviewed by the Project Review Committee on November 30, 2011. Comments and conditions were made and mailed to the applicant which have been included in the draft resolution to regulate and mandate compliance with state, federal, and local guidelines in matters of public safety and good business practice. Failure to maintain these requirements is cause for modification or revocation of an approved conditional use permit by the City Council.

It is not anticipated that the proposed upgrade in alcohol license would have a negative impact on the surrounding properties as off-site alcohol sales already exist at the store. Conditions of approval are in place to protect the public safety and interest. Due to the proximity of sensitive
uses (schools, public buildings, etc.) no alcohol advertising shall be displayed on the exterior of
the building or that could be visible from the public street.

STAFF RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Conditional Use Permit PRC-2011-30-C subject to
   conditions of approval; and
2. Adopt the draft resolution for PRC-2011-30-C.

ATTACHMENTS:

1. 300’ Radius/Locator Map
2. Map of Active Alcohol Licenses
3. Walmart Floor Plan and Alcohol Location
4. Resolution 44-2008
5. Draft Resolution
RESOLUTION NO. 44-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 3-2008 TO ALLOW THE OFF-SALE OF BEER AND WINE
AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR WAL-MART
SHOPPING CENTER LOCATED AT 1250 WEST HENDERSON AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled
meeting of May 20, 2008, conducted a public hearing to consider Conditional Use Permit 3-2008,
being a request to allow for the off-sale of beer and wine and a Letter of Public Convenience or
Necessity for the Wal-Mart Shopping Center located at 1250 West Henderson Avenue.

WHEREAS: Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale
license within 600 linear feet of the nearest property line of any
sensitive use as defined in this article shall be subject to obtaining
approval of a Conditional Use Permit.

Monache High School is located to the west side of the Wal-Mart Shopping Center.

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

WHEREAS: Census Tract 35.00, in which the subject site is located, is not over
concentrated with alcoholic licenses according to the Department of Alcoholic Beverage Control
Board's method for determining over concentration.

WHEREAS: The Department of Alcoholic Beverage Control Board has informed Staff that
at present, a moratorium for off-sale licenses Type 20 (beer and wine) is in effect. As a result, the
Department of Alcoholic Beverage Control Board will still approve the off-sale Type 20 licenses
pursuant to approval of a Letter of Public Convenience or Necessity by the Governing Body.

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use
   for the site.

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

3. That the standards of population density, site area, dimensions, site coverage, yard
   spaces, height of structures, distance between structures, off-street parking
   facilities, and landscaped areas will produce an environment of stable and desirable
   character consistent with the objectives of the Zoning Ordinance.
4. That pursuant to Section 15301, Class 1, - (Exiting Facilities) of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the sale of beer and wine under an off-sale license is Categorically Exempt.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 3-2008 subject to the following conditions:

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

2. That consumption of alcoholic beverages purchased from the Wal-Mart store shall be prohibited on Wal-Mart property located within the shopping center.

3. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.

4. That a Letter of Public Convenience or Necessity will require approval by the Porterville City Council.

5. No outdoor advertising of alcoholic beverages is allowed.

6. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

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

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

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

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 20th day of May, 2008.

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

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<th>Council:</th>
<th>McCRAKEN</th>
<th>P. MARTINEZ</th>
<th>F. MARTINEZ</th>
<th>HERNANDEZ</th>
<th>HAMILTON</th>
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JOHN LONGLEY, City Clerk

/Luisa Herrera/
By: Luisa Herrera, Deputy City Clerk
RESOLUTION NO. ____-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING
FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT PRC-2011-30-C TO
ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN
OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE WALMART
LOCATED AT 1250 W. HENDERSON AVENUE

WHEREAS: The Porterville City Council at their regularly scheduled meeting of May 20,
2008, approved Conditional Use Permit 3-2008; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of
January 17, 2012, conducted a public hearing to consider Conditional Use Permit CUP PRC-2011-30-C,
to allow for an up-grade of an off-sale Type 20 (beer and wine) license to an off-sale Type 21 (beer, wine
and distilled spirits) license for the Walmart located at 1250 W. Henderson Avenue; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested
parties related to the requested upgrade; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is
consistent with the policies of the General Plan and any other applicable plan that
the City has adopted.

   The proposed project is consistent with the General Plan Land Use designation
   and Zoning classification of Retail Centers (CR) which allows for such retail
   uses.

2. That the location, size, design, and operating characteristics of the proposed
project are consistent with the purposes of the district where it is located and
conforms in all significant respects with the General Plan and with any other
applicable plan adopted by the City Council.

   The existing Walmart building and property conforms to the CR General Plan
   and Zoning designations and development requirements for location, size, design
   and operating characteristics.

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

   Conditions 1-9 require the retail use to maintain compliance with state, federal
   and local regulations. Violation may be grounds to revoke or modify the
   conditional use permit.
4. Pursuant to "General Rule" Exemption 14 Ca. Admin. Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorical exempt.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC-2011-30-C subject to the following conditions:

1. This resolution rescinds and replaces Resolution No. 44-2008.

2. That any future changes in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves sales area expansion.

3. That the applicant shall maintain the security lighting on the exterior of the building to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.

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

5. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.12 of the Porterville Development Ordinance.

6. The conditional use permit, approving off-site alcohol sales, will be subject to modification or revocation if the off-sale license is sanctioned by the State of California.

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

8. That the on-site consumption of alcoholic beverages shall be prohibited.

9. The developer/applicant shall keep and maintain the spirits secured in the "bullpen" area between the first row of registers and the first shelf aisle accessed by employees only. The distilled spirits area is shown on Attachment 2 where the general public cannot access the spirits. Any such expansion or relocation shall be approved by the City Council.

10. The developer/applicant shall keep and maintain the beer and wine in the area as identified on Attachment 2. Any such expansion or relocation shall be approved by the City Council.
11. That no advertising of alcoholic beverages shall be displayed on the exterior of the building or within the windows and visible from the exterior of the building.

12. That the conditional use permit shall become null and void if not undertaken and actively and continuously pursued within two (2) years.

Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

By ________________________________
Patrice Hildreth, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: MULTIFAMILY HOUSING REVENUE BOND ISSUANCE BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR VILLA ROBLES APARTMENTS, 450 WEST SPRINGVILLE DRIVE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The California Statewide Communities Development Authority ("CSCDA") is a joint exercise of powers authority consisting of numerous California cities, counties and special districts, including the City of Porterville. CSCDA's mission is to provide local governments and private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. Utilizing CSCDA, the City of Porterville approved $10 million in tax exempt industrial development bonds for Del Mesa Farms in 1999. CSCDA, pursuant to its Amended and Restated Joint Exercise of Powers Agreement, is also authorized to assist in the financing of facilities for multifamily housing. In 2007, the City approved $6 million in tax exempt obligations for the financing of the acquisition and rehabilitation of the Evergreen Apartments and the Alder Apartments by PAM Development, Inc. In order to initiate such a financing, the member participant of CSCDA in which the proposed facilities will be located must i) conduct a public hearing and ii) approve the Authority's issuance of indebtedness.

The City has been requested by Cesar Chavez Foundation to conduct a Public Hearing and adopt a resolution which would approve the issuance of multifamily housing revenue obligations in the anticipated principal amount of $9,400,000, the proceeds of which may only be used for the purpose of financing the acquisition and rehabilitation of a 100-unit multifamily residential rental facility commonly known as the Villa Robles Apartments (the "Project"). Cesar Chavez Foundation is the current owner of the facilities, but is pursuing this bond issue and 4% low income housing tax credits in order to restructure the ownership and provide the resources for substantial rehabilitation of this affordable housing project that is fifteen years old, and in doing so, preserving the affordability of these units for another 55 years. The purpose of the resolution is to allow the financing to meet a requirement of the Internal Revenue Code of 1986 (the "Code").

The adoption of this resolution is the first step in the process of financing the Project. Prior to the issuance of bonds the Project will need to receive
a "private activity bond" allocation from the California Debt Limit Allocation Committee ("CDLAC") and CSCDA will be required to adopt a resolution which would approve the issuance of bonds by CSCDA and the execution and delivery of certain bond documents that would reflect the terms of the bonds.

The Code requires the "applicable elected representatives" of the jurisdiction in which a project to be financed with "private activity bonds" is situated to adopt a resolution approving the issuance of such "private activity bonds" after holding a public hearing, which has been noticed in a newspaper of general circulation in such jurisdiction. The City Council is being asked to hold such public hearing, which has been noticed as required by the Code. The proposed resolution would act as the approval by the "applicable elected representatives" with respect to the proposed Project. The CDLAC application for a "private activity bond" allocation for a multifamily housing project requires the inclusion of the approval resolution. If the City Council adopts this resolution, CSCDA will proceed with the submission to CDLAC of an application for a "private activity bond" allocation for the purpose of financing the acquisition and rehabilitation of the Project.

As announced in the published notice, this hearing is an opportunity for all interested persons to speak or to submit written comments concerning the proposal to issue the debt and the nature or location of the Project. There is no obligation on the part of the City Council to respond to any specific comments made or submitted.

The City would not be a party to the financing documents. As set forth in Section 9 of the Amended and Restated Joint Exercise of Powers Agreement of CSCDA, the debt would not be secured by any form of taxation, or by any obligation of either the City or CSCDA. Neither would the debt represent or constitute a general obligation of either the City or CSCDA. Pursuant to the governing California statutes and the JPA Agreement, a member of CSCDA is not responsible for the repayment of obligations incurred by CSCDA. The debt would be payable solely from amounts received pursuant to the terms and provisions of financing agreements to be executed by the owner of the Project. In the financing documents, the project Owner will also provide comprehensive indemnification to CSCDA and its members, including the City. However, if there is a default on the bonds, it may be detrimental to the City of Porterville to have its name associated with the bond issue.

The City's membership in CSCDA bears with it no cost or other financing obligation, but serves as a public acknowledgement by the host jurisdiction of the project financing.
RECOMMENDATION: That the City Council:
1. Hold a Public Hearing for the sale of tax-exempt obligations for the financing of the acquisition and rehabilitation of Villa Robles Apartments;
2. Approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of Villa Robles Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and
3. Authorize the Mayor to execute all documents related to the City’s approval of the issuance of the tax-exempt bonds.

ATTACHMENTS: 1. Draft Resolution
2. Applicant Information
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, APPROVING ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS (THE “BONDS”) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $9,400,000 FOR THE VILLA ROBLES APARTMENTS PROJECT

WHEREAS, the California Statewide Communities Development Authority, (the “Authority”) is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement dated June 1, 1988, (the “Agreement”) among certain local agencies throughout the State of California, including the City of Porterville (the “City”) to assist in obtaining financing for projects and purposes serving the public interest proposes to issue multifamily housing revenue bonds (the “Bonds”) in an amount not to exceed $9,400,000 and to lend the proceeds thereof to a California limited partnership to be created with Cesar Chavez Foundation as the General Partner (the “Borrower”), to assist in the financing of the acquisition, rehabilitation and development of a multifamily rental housing development commonly known as Villa Robles Apartments located at 450 West Springville Drive, in the City of Porterville, California (the “Project”), to be owned and operated by the Borrower; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”); and

WHEREAS, Section 147(f) of the Code, requires the City Council of the City of Porterville, California (the “City Council”), as the elected representative of the City, the political subdivision in which the Project is located, to approve the issuance of the Bonds after a public hearing has been held following reasonable notice; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation within the City at least 14 days before the date of such hearing; and

WHEREAS, the City Council has held a public hearing regarding the issuance of the Bonds in which interested persons were provided an opportunity to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the interest on the Bonds may qualify for a federal tax exemption under Section 142(a)(7) of the Internal Revenue Code of 1986 (the “Code”), only if the Bonds are approved in accordance with Section 147(f) of the Code; and

WHEREAS, this City Council of the City is the elected legislative body of the City and is the applicable elected representative required to approve the issuance of the Bonds within the meaning of Section 147(f) of the Code; and

WHEREAS, the City Council now desires to approve the issuance of the Bonds by the Authority and the approval is intended to constitute the approval required by Section 147(f) of the Code and Section 9 of the Agreement;

attachment
item no.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, as follows:

1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

2. The City Council hereby approves the financing of the Project by the Authority with the proceeds of the Bonds. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority for the purposes of: Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is to be located, in accordance with said Section 147(f) of the Code and Section 9 of the Agreement.

3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

4. Neither the City nor its staff have reviewed or considered the financial feasibility of the Project or the expected operation of the Project with regard to any State of California statutory requirements and the adoption of this resolution shall not obligate without further formal action on the part of the City Council: (a) the City to provide financing to the Borrower for the acquisition, rehabilitation and equipping of the Project or to issue any obligations for the purposes of financing the same; or (b) the City, or any department of the City, to approve any applications or request for, or take any other action in connection with, any environmental, general plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, equipping or operation of the Project.

5. The Bonds will not constitute an indebtedness, obligation or a pledge of the faith and credit of the City. The Bonds will be limited obligations of the Authority payable solely from the revenues of the Project.

6. Notwithstanding any other provision of this resolution, neither the City Council nor the City or any of its officials or employees represents, warrants or guarantees that the Bonds qualify as “private activity bonds” pursuant to Section 141 or 147(f) of the Code.

7. The issuance and delivery of the Bonds shall be subject to the approval of and execution by the Authority of all financing documents relating thereto to which the Authority is a party and subject to the sale of the Bonds by the Authority.

8. The City Clerk is hereby authorized to forward a certified copy of this resolution and a copy of the affidavit of publication of the public hearing notice to:
9. This resolution shall take effect upon the date of its final passage.

_____________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Housing Bond Application

APPLICANT INFORMATION

Application Number: 2011110
Name of Developer: Cesar Chavez Foundation
Primary Contact: Sandra Santana
Title: Project Manager
Address: 316 W. 2nd Street, Suite 600
Los Angeles, CA 90012
Telephone Number: (213) 362-0260  Ext. 258
Fax Number: (213) 362-0265
E-mail: ssantana@chavezfoundation.org

BORROWER DESCRIPTION

Type of Entity: ☐ For-profit Corporation  ☑ Non-profit Corporation
☐ Municipality  ☐ Partnership
☐ Other (specify): 

For Non-profits only: Will you be applying for State Volume Cap? No

Name of Borrowing Entity: TBD
Date Established: 4/2012
Number of Multi-Family Housing Projects Completed in the Last 10 Years: 12
Number of Low Income Multi-Family Housing Projects Completed in the Last 10 Years: 12

PRINCIPAL FINANCE TEAM INFORMATION

UNDERWRITER/PLACEMENT AGENT  BOND COUNSEL

Firm: TBD  Firm: Kutak Rock LLP
Contact:  Contact: J. Toger Swanson
Address:  Address: 1650 Farnam Street
Telephone:  Omaha, NE 68102
Fax:  Telephone: (402) 231-8805
E-mail:  Fax: (402) 346-1148
E-mail: j.toger.swanson@kutakrock.com
Application Number: 201110 - Villa Robles
Name of Borrower: Cesar Chavez Foundation

PROJECT DESCRIPTION

Current Project Name: Villa Robles
New Project Name:
Project Street Address: 450 West Springville Drive
    City: Porterville  State: CA  Zip Code: 93257
    County: Tulare
    Is Project located in unincorporated part of the County? No
Total Number of Units:  Market: 1  Restricted: 99  Total Units: 100
Lot Size: 5.96 acres
Amenities: Community Room, Swimming Pool, and Wading Pool

Type of Construction (i.e., Wood Frame, 2 Story, 10 Buildings): Foundation: Reinforced Concrete Slab; Exterior: Wood Frame Stucco; Roofs: 17 Total Buildings: 16, 2 Story Residential, And 1 Community Building

Type of Housing: ✔ New Construction  ✔ Family  ✔ Acq/Rehab  ☐ Senior  Is this an Assisted Living Facility? ______

City or county contact information:
    Contact Name: ______________________
    Title: ______________________________
    Phone Number: ______________________ Ext. ______
    Fax Number: ______________________
    E-mail: ______________________________

PUBLIC BENEFIT

Percentage of Units in Low Income Housing: 100%
Percentage of Area Median Income(AMI) for Low Income Housing Units: 40% of Units at 50% AMI and 60% of Units at 60% AMI
Total Number of Management Units: 1

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<td>$820</td>
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<tr>
<td>3 Bedrooms</td>
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<td>30</td>
<td>$671</td>
<td>$780</td>
<td>$109</td>
</tr>
<tr>
<td>3 Bedrooms</td>
<td>60</td>
<td>34</td>
<td>$820</td>
<td>$935</td>
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<tr>
<td>4 Bedrooms</td>
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<td>$909</td>
<td>$166</td>
</tr>
<tr>
<td>4 Bedrooms</td>
<td>60</td>
<td>20</td>
<td>$909</td>
<td>$1,010</td>
<td>$101</td>
</tr>
</tbody>
</table>

Remarks:
Application Number: 2011110 - Villa Robles
Name of Borrower: Cesar Chavez Foundation

OTHER PUBLIC BENEFIT

SERVICES PROVIDED
- High-speed internet service in each affordable unit of an on-going nature for a minimum of 10 years.
- After school program of an on going nature for the minimum of 10 years.
- Educational classes (which are not the same as the after school program) for a minimum of 10 years.
- Licensed childcare providing 20 hours or more per week (Monday through Friday) to residents of the development.
- Contract for services, such as assistance with the daily living activities, or provision of senior counseling services.

ENVIRONMENT

Energy
- Does the facility exceed Title 24 Standards? □ Yes ☑ No □ N/A
  - If Yes, by what percent? ______%
- Does the facility have solar(PV) panels? □ Yes ☑ No □ N/A
  - If Yes, what is the size in kWh? ______
- Does the facility purchase carbon credits? □ Yes ☑ No □ N/A
  - If Yes, what is the annual consumption? ______

Water
- Does the facility provide any of the following:
  - Efficient Toilets? □ Yes ☑ No □ N/A
  - Water-saving showerheads? □ Yes ☑ No □ N/A
  - Drought tolerant landscaping? □ Yes ☑ No □ N/A
- Other, specify: ______________________________

Transportation
- Does the entity provide carpooling or mass-transit subsidies? □ Yes ☑ No □ N/A
- Does the entity maintain a fuel efficient fleet? □ Yes ☑ No □ N/A

Waste
- Does the project provide recycling facilities? □ Yes ☑ No □ N/A

WORKFORCE

Employment Creation
- Job Type/Description: __________________________
  - During Construction: 0
  - Post Construction: 0

GOVERNMENTAL INFORMATION
- Congressional District #: 21
- State Senate District #: 18
- State Assembly District #: 34
**FINANCING STRUCTURE**

- Type of Financing: [ ] Public Sale [ ] Private Placement [ ] Refunding
- For Refundings only: Will you be applying for State Volume Cap? No
- For Refundings only: Is this a transfer of property to a new owner? ________
- Maturity: 30 Years
- Interest Rate Mode: [ ] Fixed [ ] Variable

**CONSTRUCTION FINANCING:**

- Credit Enhancement: [ ] None [ ] Letter of Credit
  - [ ] FNMA(Fannie Mae) [ ] Freddie Mac
  - [ ] Bond Insurance [ ] Other (specify): ________________

- Name of Credit Enhancement Provider or Private Placement Purchaser: N/A

**PERMANENT FINANCING:**

- Credit Enhancement: [ ] None [ ] Letter of Credit
  - [ ] FNMA(Fannie Mae) [ ] Freddie Mac
  - [ ] Bond Insurance [ ] Other (specify): ________________

- Name of Credit Enhancement Provider or Private Placement Purchaser: N/A

- Expected Rating: [ ] Unrated [ ] S & P ________
  - [ ] Moody's ________ [ ] Fitch ________

- Projected State Allocation Pool: [ ] General [ ] Mixed Income [ ] Rural

- Will the project use Tax-Credit as a source of funding?: Yes

---

**SOURCES & USES**

<table>
<thead>
<tr>
<th>CONSTRUCTION SOURCES</th>
<th>USES</th>
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</thead>
<tbody>
<tr>
<td>Tax-Exempt Bond Proceeds: $3,849,000</td>
<td>Land Acquisition: $1,163,500</td>
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<tr>
<td>Taxable Bond Proceeds:</td>
<td>Building Acquisition: $4,654,000</td>
</tr>
<tr>
<td>Tax Credits: $2,286,688</td>
<td>Construction or Remodel: $1,932,000</td>
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<tr>
<td>Developer Equity:</td>
<td>Cost of Issuance: $25,000</td>
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<tr>
<td>Other Funds(Describe): Land Lease: $2,569,904</td>
<td>Capitalized Interest:</td>
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<tr>
<td>Deferred Developer Fee: $625,000</td>
<td>Reserves: $28,500</td>
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</table>

**Total:** $9,330,592 | Other Funds(Describe): Developer Fee: $1,201,110 |
| Market Study/Appraisal: $17,500 |
| Relocation: $55,000 |
| Soft Cost Contingency: $50,000 |
| Indirect Construction/Legal/Financing Costs: $203,982 |

**Total:** $9,330,592
Application Number: 201110 - Villa Robles
Name of Borrower: Cesar Chavez Foundation

PRINCIPAL FINANCE TEAM INFORMATION (continued)

<table>
<thead>
<tr>
<th>FINANCIAL ADVISOR</th>
<th>REBATE ANALYST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm: N/A</td>
<td>Firm: TBD</td>
</tr>
<tr>
<td>Contact:</td>
<td>Contact:</td>
</tr>
<tr>
<td>Address:</td>
<td>Address:</td>
</tr>
<tr>
<td>Telephone:</td>
<td>Telephone:</td>
</tr>
<tr>
<td>Fax:</td>
<td>Fax:</td>
</tr>
<tr>
<td>E-mail:</td>
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</tr>
</tbody>
</table>

ADDITIONAL REQUIREMENT

Please provide the following as an additional attachment:

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description of Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$5,000 non-refundable* issuance fee deposit payable to &quot;California Communities.&quot;.</td>
</tr>
<tr>
<td></td>
<td>*Refundable only if financing not approved.</td>
</tr>
</tbody>
</table>

MAILING ADDRESS
California Communities®
2033 N. Main St., Suite 700
Walnut Creek, CA 94596
CITY COUNCIL AGENDA: JANUARY 17, 2012

PUBLIC HEARING

TITLE: COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

BACKGROUND:

On November 4, 2011, Winton & Associates filed an application on behalf of Greg Woodard and Great Western Land Company to consider a development ordinance text amendment to allow commercial crop cultivation beyond that already provided for in the Development Ordinance. The request was reviewed by staff and discussed at a Project Review Committee meeting on November 16, 2011. As a result of the discussion, a draft ordinance was developed and refined, with input from the applicant, to assure that the intent of the ordinance was to permit crop cultivation as an interim use during the slowed development market. Further applications to initiate commercial crop cultivation on parcels within the city may follow, but none have yet been received. The potential extent of this ordinance would be limited to parcels throughout the city greater than 10 acres. Specific findings would also be set in place for consideration of conditional use permits.

ANALYSIS:

The City of Porterville has previously approved twelve (12) tentative subdivision maps on over three hundred acres in the City; these lands are zoned Very Low Density Residential (RS-1) and Low Density Residential (RS-2), yet are completely undeveloped. While the City’s housing goals and the County of Tulare’s Regional Housing Needs Assessment (RHNA) show that this amount of available residential land is appropriate, the market for new homes has subsided in recent years. An alternative beneficial use in the interim, until such time as the demand for new single family residences exceeds the availability of existing development, could be the cultivation of crops.

The current development ordinance allows commercial crop cultivation to occur in Agricultural Conservation (AC), Rural Residential (RR), Industrial Park (IP), Airport Industrial (IA) and General Industrial (IG) zone districts. Commercial crop cultivation is also an existing use on certain parcels within the Airport Industrial (IA) zones, including lands currently owned by the City for the disposal of treated effluent.

The proposed ordinance text amendment would serve to define commercial crop cultivation and more importantly, it would allow the City Council to

DD [APPROPRIATED/FUNDED] N/A CM ITEM NO. 18
approve interim crop cultivation in residential and commercial zones through a conditional use permit process. The proposed ordinance sets forth the purpose and intent of the amendment, which is clearly to provide an interim use of land until such time as the development market supports the intended development of said lands. The conditional use permit would provide a process whereby the City Council can assess the impacts of new or renewed agricultural operations on adjacent land uses, and through conditions, provide standards for the operation of the agricultural use. For example, the aerial application of fertilizers and pesticides may not be appropriate in areas with adjacent residential uses and conditions of approval could prohibit such operations. The conditional use permit process would also allow the public to comment on potential detrimental impacts from new agricultural operations.

ENVIRONMENTAL REVIEW:

The proposed ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

RECOMMENDATION: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS:
1. Draft Ordinance
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION
ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH
A CONDITIONAL USE PERMIT

WHEREAS: There is currently land in the incorporated City programmed for urban
development, much of which will not realize development in the near term due to the slow down
in the economy; and

WHEREAS: In addition to land in the City programmed for urban development, the
City has granted entitlement of urban lands that have not yet been developed; and

WHEREAS: In light of the down turn in the economy, a text amendment has been
requested by a private developer to allow commercial crop cultivation on an interim basis on
lands zoned for urban uses until market conditions improve to construct the intended urban land
use; and

WHEREAS: This proposed text amendment was discussed at a Project Review
Committee meeting on November 16, 2011, and January 11, 2012, where staff expressed support
so long as it is an interim use; and

WHEREAS: The intent of this ordinance is not to encourage land owners to initiate
farming operations within city limits but to allow for a viable interim use of property until such
time as the economic conditions promote ultimate development of the land; and

WHEREAS: A public hearing was held before the City Council on January 17, 2012,
pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of
the City; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed
ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan,
and the proposed ordinance is an implementation measure of the policies, goals and objectives of
the Plan; and

WHEREAS: On March 4, 2008, the City Council adopted Resolution 21-2008 certifying
the Final Environmental Impact Report (EIR) for the General Plan; and

WHEREAS: On April 20, 2010, a public hearing was held before the City Council
approving Ordinance 1764 which adopted a Comprehensive Development Code and determined the
adequacy of an Addendum to the Final Environmental Impact Report to the Porterville General
Plan; and

Attachment 1
WHEREAS: On December 29, 2011 the Environmental Coordinator made a determination on the basis of substantial evidence that the proposed action is adequately covered under the addendum to the previously certified EIR.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. _______ amending the Porterville Municipal Code to include Commercial Crop Cultivation, as follows:

SECTION 1:

1. Amend Table 200.02 LAND USE REGULATIONS-AGRICULTURAL/CONSERVATION DISTRIBUTIONS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>AC</th>
<th>RR</th>
<th>Additional Regulations</th>
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</thead>
<tbody>
<tr>
<td>Use Classification</td>
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</tr>
<tr>
<td>Animal Raising</td>
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<tr>
<td>Crop Cultivation</td>
<td>P</td>
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<td></td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
<td>P</td>
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<td></td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>C(3)</td>
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</table>

2. Amend Table 201.02 LAND USE REGULATIONS-RESIDENTIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
<th>RS-1</th>
<th>RS-2</th>
<th>RM-1</th>
<th>RM-2</th>
<th>RM-3</th>
<th>Additional Regulations</th>
</tr>
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<tbody>
<tr>
<td>Use Classification</td>
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<tr>
<td>Crop Cultivation (commercial)</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>Section 301.21</td>
</tr>
<tr>
<td>Crop Cultivation (non-commercial)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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3. Amend Table 203.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
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<th>Agricultural and Extractive Uses</th>
<th>CN</th>
<th>CR</th>
<th>CG</th>
<th>CMX</th>
<th>Additional Regulations</th>
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<tr>
<td>Use Classification</td>
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<tr>
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<td>C</td>
<td>C</td>
<td>Section 301.21</td>
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</table>

4. Amend Table 204.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:
<table>
<thead>
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<th>Agricultural and Extractive Uses</th>
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<tbody>
<tr>
<td>Use Classifications</td>
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<tr>
<td>Crop Cultivation</td>
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<tr>
<td>Crop Cultivation (commercial)</td>
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<tr>
<td>Crop Cultivation (non-commercial)</td>
</tr>
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</table>

5. Amend Table 205.02 LAND USE REGULATIONS-COMMERCIAL DISTRICTS to add as follows:

<table>
<thead>
<tr>
<th>Agricultural and Extractive Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classification</td>
</tr>
<tr>
<td>Crop Cultivation (commercial)</td>
</tr>
</tbody>
</table>

6. Add Section 301.21 Crop Cultivation as follows:

Commercial Crop Cultivation is a Permitted Use in the AC, RR, IP, IA and IG zones. Commercial Crop Cultivation is allowed in all other City zone districts except downtown districts on an interim basis subject to a Conditional Use Permit, in which the following section applies. This section of the Code does not apply to non-commercial crop cultivation or commercial crop cultivation where allowed as a permitted use.

(a) Purpose and Intent

1. It is the purpose and intent of this section to provide opportunity for interim use of land within City limits until such time as the development market supports the intended development of said lands.

2. Commercial crop cultivation can be allowed with a conditional use permit on an interim basis only where the impacts of an agricultural operation will not be detrimental to the health, safety, peace, or general welfare of persons residing or working in the surrounding area.

3. Crop cultivation allowed under the premises of this section is secondary to its availability for urban development and should be available for development as an urban use when market conditions improve for such a use.

4. Use of a subject site for crop cultivation for an interim period does not result in the land being construed as an agricultural resource requiring protection or preservation.

5. If residentially zoned, the land, regardless of the status of its agricultural use, will be considered in the City’s Housing Element and the Regional Housing Needs Assessment (RHNA) as available land for residential use.

6. A key intent of this section is to limit the use to an initial ten (10) year term with the option to consider five (5) year extensions. At the discretion of the City Council these time periods may be modified and/or reviewed.

7. This section shall not be construed to apply to animal confinement.

(b) Development Standards.

The following standards shall be met for each commercial crop cultivation area.
1. The area to be farmed shall be of adequate size, dimension and topography to accommodate the proposed use, and is a minimum of 10 acres, which may be a portion of a single parcel or a composition of multiple contiguous parcels under the same ownership.

2. The applicant/property owner shall not enter into a Williamson Act contract or other agricultural preservation measure, whether for tax reduction or other purposes.

(c) Conditions of Approval.

The following conditions of approval will be considered on a project-by-project basis at the discretion of the City Council.

1. Aerial application of fertilizers, pesticides, or other agricultural treatments is not allowed.
2. Burning of agricultural waste/trimmings/etc. is not allowed.
3. Sale of crops on-site is not allowed.
4. Installation of underground storage tanks is not permitted.
5. At least ten (10) days prior to the application of pesticides, fungicides, or insecticides, notice will be given to all property owners within 300 feet of the parcel(s), and notice shall be posted on site along every 100 feet of street frontage. Notice shall be no smaller than 10” x 12” and with the word “Notice” in 80 point font.
6. Best Management Practices to reduce spray drift will be implemented.
7. Wells, as needed to serve the subject site, are subject to California Department of Public Health Services approval and review of the City Engineer.
8. Irrigation water run-off, if any, shall be contained on site.
9. The area shall be groomed of weeds and agricultural waste regularly to reduce potential fire hazard, proliferation of pests, and unsightly conditions.
10. Equipment and vehicles related to the active farming operation of the site shall not be parked in the public right of way.
11. Vehicular circulation related to the use shall occur on-site.
12. A minimum twenty (20) drive aisle clearance shall be maintained along all property boundaries.
13. A vector control plan must be approved with the Conditional Use Permit and implemented for the term of the agricultural use.
14. The Council may consider other conditions as may be appropriate based on the location of the proposed use and may consider limiting some crop types due to impacts of excessive noise, dust, vibration, odors or other effects on surrounding uses.

7. Amend Section 700.01 List of Terms, to include “Crop Cultivation” alphabetically.

8. Amend Section 701.07 to add the following definitions alphabetically:

Crop Cultivation – commercial. Results in quantities of crops greater than what could be reasonably consumed in personal use and/or crops that are produced with the intent to sell commercially.
Crop Cultivation – non-commercial. Includes orchards and flower and vegetable gardens for personal use.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

ADOPTED this ___ day of ____ , 2012.

____________________________________
Ronald L. Irish, Mayor

ATTEST:

____________________________________
John D. Lollis, City Clerk

By __________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: CONSIDERATION OF DESIGNATION OF WALL OF FAME HONOREES

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK

COMMENT: Annually, the City Council considers nominations of Wall of Fame Honorees. This honor is bestowed posthumously to individuals who have made significant contributions towards the betterment of the Porterville community. Nominations must be submitted by members of the City Council and are to identify a sponsor that is to be responsible for providing the photograph, picture frame, biography, and name plate for placement on the wall. Honorees currently on display at the Heritage Community Center include: Alice Seal, Forrest “Doc” Mock, Mona Alyce Young Gauger, Jim Cone, Brett Land, Frank “Buck” Shaffer, Carmen Martinez-Eoff, Edward B. “Ted” Cornell, Jim Maples and Roy Rockholt.

Three nominations have been received to date, as follows:

- Waltraut Wilson
- William R. “Bill” Rodgers
- Teresa Jackson

Any additional nominations received subsequent to the compilation and distribution of the agenda will be provided to the Council under separate cover for its consideration and will be made available to the public.

RECOMMENDATION: That the City Council consider the nominations for the designation of “Wall of Fame” Honorees.

ATTACHMENTS: 1. Wall of Fame Nomination Forms
2. Wall of Fame Placement Procedure

Director  
Funded  

Item No. 19
Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City’s Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

**Name of Nominee:** Waltraut Wilson

**Description of Nominee’s Community Involvement/Service Activities:**

Please see attached.

Sponsor’s Name(s): Denise Marchant

**Telephone:** 559-310-5488

**Address:** 291 North Main Street

**City/State/Zip:** Porterville, CA 93257

**Relationship to Nominee:** Neice

Nomination Submitted by:

[Signature]

Mayor/City Council Member Signature

[Date] Date

ATTACHMENT NO. 1
I would like to take this opportunity to nominate Waltraut "Wallie" Wilson for the honor of being placed on the "Wall of Fame" at the Heritage Community Center. I can't think of anyone more deserving of this honor as she was the only woman to twice be given the Woman of the Year Award (1963 and 1968) by the Porterville Chamber of Commerce because of her dedicated service to the local, state, and even international community.

A very hard-working and well known business woman, Wallie co-owned and managed The Juven-Aire and Teen-Aire specialty shops on Main Street for 40 years from 1949-1989. Throughout this long career, Mrs. Wilson served the business community and especially the downtown central business district on a vast variety of boards, committees, and commissions, including but not limited to her service as a board member of the Chamber of Commerce, Chairman of the Merchant Committee of the Chamber, Chairman of the Children's Christmas Parade, Charter member and President of the Heart of Porterville Associates (HOPA), and member of various committees of Main Street Porterville Incorporated. She also served the City on the business license review committee and strategic planning committees. She played an extremely vital role in the formation of the Parking District downtown in 1968, which proved to be one of the most important actions taken by the City to keep the downtown business district alive in the wake of the development of outlying shopping centers. She continued to serve on the Parking Commission for several years.

Wallie was a member of the Zonta Club of Porterville for over 50 years where she twice served as President of this organization dedicated to advancing the status of women worldwide. She then went on to serve as Area Director, Lt. Governor and in the prestigious position of Governor of District IX of Zonta International which was made up of clubs in the 5 western states. She also served on the Zonta International Board of Directors as International Membership Committee and International Z Club Chairman. She carried the name of Porterville all over the world as she fulfilled the responsibilities of these positions. One of the most enduring legacies of her Zonta membership was the establishment of Z Clubs at Porterville, Monache, and Strathmore High Schools in the 1960's and 70's. These clubs instilled in these young women the sense of service to their school, the community, and the world that hopefully carried into their adult lives. There are currently Z Clubs at Porterville, Monache, and Granite Hills High School, over 40 years since the chartering of the first Z Club at Porterville High School.

Mrs. Wilson's own sense of service and demonstration of her faith was shown by her involvement with the Lutheran Women's Missionary League where she also served as President of the District which covered 210 clubs in five states. Additionally, she served six years on the Corporate Board of Directors of Good Shepherd Lutheran Home of the West in Terra Bella and held the position of corporate secretary for this nonprofit organization dedicated to helping the developmentally disabled in 11 states.

Wallie also served on the Central Valley Heart Associate Board of Directors, and for years her business served as the collection point for Heart Fund memorials in the
community. She was also Chairman of the annual Heart Fund Sunday campaign for several years.

Being in the children’s clothing business, Wallie was a generous supporter of youth activities and organizations giving of her time and resources whenever possible. She also employed and mentored dozens of young people in their first job over her 40 years in business. After clothing three generations of youngsters in Porterville, Wallie would always be so touched when someone would come up to her and tell her that they had shopped at the store when they were little and what wonderful memories they had of the experience. Wallie loved this community and she gave all that she had to make it a better place, both for businesses and for families. For these reasons, and because of her special place in the hearts and memories of her family, friends, and community, she is hereby nominated for the City’s Wall of Fame at the Heritage Center.

The contact person for this nomination is Denise Marchant 310-5488.
HERITAGE COMMUNITY CENTER "WALL OF FAME"
 NOMINATION/PLACEMENT REQUEST

Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City's Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: William R. "Bill" Rodgers

Description of Nominee's Community Involvement/Service Activities:

[Attachment]

Sponsor's Name(s): Sequoia Centennial Committee

Telephone: 559-361-7067

Address: 941 W. Pioneer #8

City/State/Zip: Porterville, Ca. 93257

Relationship to Nominee: None

Nomination Submitted by:

[Signature]
Mayor/City Council Member Signature

[Signature]
Date 1-10-12
William Redfield "Bill" Rodgers
Birth: August 17, 1910
Death: February 8, 1999
Bill was an amazing man and I have included just a few of the things he did during his long life.
A timeline for Bill Rodgers life.
1928...1st class of students that started as freshmen at Porterville High School to graduate.
1931...Graduated from Porterville College.
1936...Graduated from the University of Kansas.
1948-1975...Publisher and owner of the Farm Tribune News Paper.
1948...Co-founder of the Porterville Fair with Arthur "Babe" Hodgson, and Rolla Bishop. First Fair was May 1948, at Porterville High School.
1949...Porterville Man of the Year.
1949-1981...Porterville Fair, Board 35 years.
1951-1952...President of the Porterville Rotary Club. (Bill told them that "they would regret the day they let women join," right after it was voted in, as he walked out the door). One of my favorite stories about Bill.
1954...Chairman of the Republican Central Committee and a member of the California Republican State Committee.
1959-1963...Porterville City Council Member.
1961...Helped launch the Porterville Centennial Celebration
1962...Helped launch the Jackass Mail Run. Served on the first local Agency Information Commission.
1963-1967...Mayor of the City of Porterville.
1963...Mayor when the Hell Angels appeared in town.
1974...Co-Founder of the Doctor Samuel Gregg George Chapter-1855, E Clampus Vitus, Tulare County.
30 year member of the Porterville Elks.
For 30 years Co-Produced with Buck Shaffer, the Porterville City of Hope Spectacular.
Spouse... Katherine Goode Rodgers (Kay) (1911-2002)
Daughters: Susan and Mary Kay
HERITAGE COMMUNITY CENTER “WALL OF FAME”
NOMINATION/PLACEMENT REQUEST

Based on a history of service to the Community and in recognition of significant efforts on behalf of the residents of Porterville, I/we request the Porterville City Council posthumously honor the person listed below with inclusion on the City’s Wall of Fame located at the Heritage Community Center.

All nominations will be considered and Wall of Fame placements made in accordance with the Placement Procedure stated on the reverse.

Name of Nominee: Teresa Jackson

Description of Nominee’s Community Involvement/Service Activities:

Please see attached.

Sponsor’s Name(s): Leadership Porterville

Telephone: 784-7502

Address: c/o Chamber of Commerce, 93 North Main Street

City/State/Zip: Porterville, CA 93257

Relationship to Nominee: Ms. Jackson was a long-time supporter of the LP Program

Nomination Submitted by:

[Signature]  [Date]
Heritage Community Center “Wall of Fame”
Nomination/Placement Request

Description of Nominee’s Community Involvement/Service Activities:

Ms. Teresa Jackson tirelessly worked for the betterment of the Porterville Community, including:

- Positively impacted the Porterville community for over 40 years;
- Helped start the Iris Festival and served as the event’s vendor chair for 10 years;
- Served on the Porterville Sheltered Workshop board of directors for 24 years, serving as board president in 1989.
- Was involved in the Porterville Employer Advisory Council;
- Was actively involved in the Leadership Porterville Program, serving as Steering Committee Chair in 1997, annual program presenter/instructor; and retreat facilitator;
- Chaired the Chamber of Commerce Board in 2000;
- Actively supported numerous other local organizations and community events, including: American Cancer Society and Relay for Life; American Heart Association; Porterville Adult School; Porterville College; Butterfield Stage Days; Sierra Music Fest;
- Named Woman of the Year in 2002; and
- Active member and supporter of the Porterville Church of God
HERITAGE COMMUNITY CENTER “WALL OF FAME”
PLACEMENT PROCEDURE

The “Wall of Fame” is a portion of the hallway wall within the Porterville Heritage Center, located at 256 E. Orange Avenue. Those who are honored on the “Wall of Fame” are posthumously recognized for their significant efforts and service to the Porterville community. The City Council will determine the appropriateness of each nomination for placement on the “Wall of Fame”. Recognition shall consist of a framed five by seven inch portrait and bronze engraved name plate of common and similar style to the “Mayor’s Wall of Honor” within City Hall.

Only the Mayor and members of the City Council may submit nominations for this honor. The nomination shall be in writing to the City Clerk stating the type and duration of services the nominated individual provided to the Porterville community prior to their passing. A nomination shall identify a sponsoring contact person willing to assume responsibility for supplying the framed portrait and nameplate, and who shall be responsible for all cost of such. All nominations will be retained by the City Clerk and placed on the agenda for consideration by the City Council at their first regular meeting held in each calendar year.

The City Council shall make the sole determination regarding the worthiness of the nominated individual’s service to the heritage of the community in regards to the honor of being included for placement on the “Wall of Fame”. The honor of recognition on the “Wall of Fame” shall be for a period of five (5) years, at which time the portrait will be returned to the sponsoring contact person. The City Council may at its discretion, consider at any time the removal of the honor and return of the portrait to the sponsor.
SUBJECT: CONSIDERATION OF JOINING THE "COALITION TO SAVE JOBS AND NEIGHBORHOOD RENEWAL" IN SUPPORT OF S.B. 659 (PADILLA) AND POSTPONING THE DISSOLUTION OF REDEVELOPMENT

SOURCE: City Manager

COMMENT: With the encouragement of the California League of Cities, the "Coalition to Save Jobs and Neighborhood Renewal" has requested that the City of Porterville, as well as its community partners, join the "Coalition" in support of S.B. 659 (Padilla). Being drafted by Senator Padilla (D-San Fernando Valley), S.B. 659 seeks to postpone the dissolution of Redevelopment from February 1, 2012, to April 15, 2012, to allow time for discussion of alternatives and options in lieu of eliminating Redevelopment.

RECOMMENDATION: That the City Council consider joining the "Coalition to Save Jobs and Neighborhood Renewal" in support of S.B. 659 (Padilla) and postponing the dissolution of Redevelopment.

ATTACHMENT: "Coalition" Correspondence dated January 10, 2012
John Lollis

Subject: FW: Support for Postponing Redevelopment Deadline Growing Fast
From: Coalition to Save Jobs and Neighborhood Renewal
[mailto:info@protectourlocaleconomy.com]
Sent: Tuesday, January 10, 2012 10:30 AM
Subject: Support for Postponing Redevelopment Deadline Growing Fast

Having trouble viewing this email? Click here

SUPPORT SB 659

Postpone Dissolution of Redevelopment

A broad and diverse coalition of labor, business, public safety, local government and affordable housing advocates has signed on to support SB 659 (Padilla) to postpone the February 1, 2012 scheduled deadline to dissolve redevelopment agencies. It is growing abundantly clear that postponing the Feb 1 deadline is needed to avoid mass chaos, litigation, and crumbling of agencies in just a few weeks. Below is a partial list of organizations that has signed onto support SB 659. If your organization has not signed on in formal support, please email thalsted@bcfpublicaffairs.com

Labor

- American Federation of State, County and Municipal Employees
- San Bernardino Public Employees Association
- San Luis Obispo County Employees Association
- Santa Rosa City Employees Association
- Glendale City Employees Association

Public Safety

- California Police Chiefs Association

Business

- California Chamber of Commerce
- California Building Industry Association
- California Building Owners and Managers Association
- California Business Properties Association
- California Downtown Association
- Los Angeles County Business Federation
- Valley Industry and Commerce Association

JOIN US NOW!

Join us in support of SB 659 today. Here's what you can do to help:

- Join our coalition in support of the bill. To be listed, email thalsted@bcfpublicaffairs.com.
- Send in a letter to your legislators in support of SB 659. Get the sample letter by emailing thalsted@bcfpublicaffairs.com.

1/12/2012
- Nearly a dozen local chambers of commerce

**Housing**

- People's Self Help Housing Corporation
- Housing Authority of the City of Santa Barbara
- Habitat for Humanity of Southern Santa Barbara County

**LEADING NEWSPAPER EDITORIALS AGREE:**
**RECREATE JOB-CREATION AND NEIGHBORHOOD RENEWAL TOOL**

Over the past two weeks a growing chorus of newspaper editorial boards has urged lawmakers to reestablish some form of new local neighborhood renewal and job-creation tool.

**Los Angeles Times Editorial, January 6, 2012**

Approve Padilla's bill (SB 659)... use that time to re-imagine redevelopment.

**Sacramento Bee, Editorial, December 31, 2011**

State has new chance to do redevelopment the right way.

**San Francisco Chronicle, Editorial, December 31, 2011**

Redevelopment should be changed, not eliminated.

**San Diego Union-Tribune, Editorial, December 30, 2011**

Revive - and repair - redevelopment.

**Santa Rosa Press-Democrat, January 6, 2012**

Restore the best parts of redevelopment.

**Fresno Bee, Editorial, December 31, 2011**

The Legislature should consider recreating sensible alternatives.

**Bakersfield Californian, Editorial, January 4, 2012**

Redevelopment agencies must be refocused.

1/12/2012
Santa Cruz Sentinel, Editorial, January 4, 2012

Bring back some form of redevelopment... for blighted neighborhoods and crumbling infrastructure.

Palm Springs Desert Sun, Editorial, January 6, 2012

Lawmakers (should) seek sensible alternatives.
JANUARY 17, 2012

JOINT MEETING OF THE CITY COUNCIL AND
THE PORTERVILLE REDEVELOPMENT AGENCY

PUBLIC HEARING

SUBJECT:  PUBLIC HEARING TO AUTHORIZE A PURCHASE AND SALE AGREEMENT BETWEEN THE PORTERVILLE REDEVELOPMENT AGENCY AND SOCIAL VOCATIONAL SERVICES, INC. (APN 253-138-001)

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On September 20, 2011, the City Council and the Redevelopment Agency continued the public hearing for the purchase and sale agreement between the Porterville Redevelopment Agency and Social Vocational Services, Inc., until January 17, 2012, at which time it was anticipated that a decision regarding AB1X26 and AB1X27 from the California Supreme Court would have been reached. As the Council and Agency are aware, the California Supreme Court reached a decision which ultimately eliminates Redevelopment Agencies and abolishes the Agencies' authority to transact business, thereby preventing the Agency's ability to complete this transaction at this time. If, ultimately, a favorable resolution is reached between cities/counties and the state this item could be brought back for consideration.

RECOMMENDATION:  This item is being pulled due to the recent Supreme Court ruling concerning Redevelopment.