Call to Order
Roll Call

CLOSED SESSION:

A. Closed Session Pursuant to:
   1 - Government Code § 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

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

Pledge of Allegiance Led by Mayor Pro Tem Ron Irish
Invocation by Pastor Peter Schalember, First Assembly of God Church

PRESENTATIONS

Presentation: Paul Saldana, EDC
City Manager’s Featured Project

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.

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. Approval of City Council Minutes of May 18 and 25, and June 1, 2004

2. Budget Adjustments for the 2003/2004 Fiscal Year
   Re: Authorization to increase revenue and appropriation estimates for weed abatement ($5,000); increase appropriation to allow for the matching funds to complete the construction of the Tule River Parkway, Phase II ($25,657); increase revenue and appropriation estimates for receipt and expenditure of the Fire Act Grant funds ($136,170).

3. Authorization to Advertise for Bids - Tule River Parkway, Phase II
   Re: Approval of the plans and project manual and authorization to advertise the bid for the construction of the Tule River Parkway, Phase II, generally located south of the Tule River between Jaye Street and Main Street.

4. Acceptance of Downtown Parking Project - Hockett and Division Parking Lot, Phase I
   Re: Accepting the project by Central Valley Asphalt in the amount of $192,392.90.
5. **Acceptance of Improvements - River View Estates, Phase 3 Subdivision (G.W. Home, Inc.)**
   Re: Accepting the public improvements for the subdivision between Roby Avenue and Orange Avenue, west of Belmont Street, and filing the Notice of Completion.

6. **Acceptance of Appraised Value of Right-of-Way for Property Located at APN No. 245-390-008 - Reba R. Romeri & Nenna Rae Kirschner - Henderson Avenue Reconstruction Project**
   Re: Approval of the purchase of 1,632 sq ft of right of way in the amount of $12,429.

7. **Amendment to Traffic Resolution No. 10-2001 - Removing Motorcycle Parking at 30 N. Main St.**
   Re: Amending the Traffic Resolution to allow for the conversion of motorcycle parking back to regular parking.

8. **State Department of Finance - Population and Housing Estimate**
   Re: Authorization to sign a request for State certification for Porterville’s population estimate of 43,150 as of January 1, 2004.

9. **Request for Two Temporary Modular Structures for the Porterville Evangelical Free Church**
   Re: Request for structures to be used for classrooms at 1091 West Linda Vista Avenue for a period not to exceed one year from September 16, 2004.

10. **Formation of Landscaping and Lighting Maintenance District No. 29**
    Re: Instituting proceedings for said District No. 29, River Springs Phase 3 Subdivision, and setting the public hearing for July 6, 2004.

11. **Legal Services Agreement - City Attorney**

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

**PUBLIC HEARINGS**
12. **Budget Adoption for the 2004-05 Fiscal Year**
    Re: Consideration of adopting the General Fund and Enterprise and Internal Service Funds Budgets.

13. **Sierra Meadows - Tentative Subdivision Map (Gary Smee)**
    Re: Approving a map to divide a vacant 42.1± acre parcel zoned R-E (Residential Estate) into a 56 lot rural density residential subdivision for the site located on the northeast corner of Indiana Street and Gibbons Avenue.

14. **General Plan Amendments and Related Actions for Centennial Plaza Park and General Plan Amendment and Related Actions for Commercial and High Density Residential Development on the Northeast Corner of Prospect Street and Grand Avenue**
    Re: Approving Negative Declarations and General Plan Amendments for two combined projects, and giving first readings to Zone Change 2-2004 and Zone Change 4-2004.

**SCHEDULED MATTERS**
15. **Golf Course Enterprise**
    Re: Consideration of requested information regarding private maintenance costs and Golf Course fees and monthly passes, with consideration of setting a public hearing to consider quarterly passes with differential seasonal rates.
16. Request for Proposal (RFP) for Recycling Consultant Services
   Re: Approving the RFP to investigate curbside recycling in its draft form, and authorizing staff to distribute the RFP to consulting firms.

17. Sign Regulations and Enforcement Update
   Re: Review of staff efforts in focused enforcement efforts with regard to signage and continued preparation of a Zoning Ordinance Amendment.

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Redevelopment Agency
Roll Call: City Council

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS

REDEVELOPMENT SCHEDULED MATTERS
PRA-1 Redevelopment Agency 2004-2005 Budget
   Re: Consideration of adopting the 2004/05 Annual Budget for the Redevelopment Agency.

PRA-2 Redevelopment Project No. 1 Plan Amendment - Report to City Council
   Re: Approving and transmitting to the City Council the Agency’s report on Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1, including the Initial Study/Draft Negative Declaration.

JOINT PUBLIC HEARING
PRA-3 Redevelopment Project No. 1 Plan Amendment
   Re: A joint public hearing to consider removing six parcels, approximately 26 acres, from Redevelopment Project Area No. 1, and amending the Plan to repeal the time limit for incurring debt in the Amended Project Area in accordance with recently changed State law.

Adjourn to Redevelopment Agency Meeting

ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of July 6, 2004

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 Deputy City Clerk at (559) 782-7442. 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.
CITY MANAGER’S FEATURED PROJECT FOR
JUNE, 2004

1. Downtown Parking Lot Project, Phase I - Hockett and Division Street
Call to Order: 6:00 p.m.
Roll Call: West, Irish, Hamilton, Stadtherr, Martinez

CLOSED SESSION:
A. CLOSED SESSION PURSUANT TO:
   1 – GOVERNMENT CODE § 54956.9(c) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: ONE CASE.
   4 – GOVERNMENT CODE § 54956.9(c) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. NAME OF CASE: CITY OF PORTERVILLE VS. ALBERT L. HEARNE ET AL., CASE NO. 04-208680, TULARE COUNTY.
   5– GOVERNMENT CODE § 54956.9 – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. NAME OF CASE: CITY OF PORTERVILLE V. SCHELLHASE, CASE NO. 03-207816, TULARE COUNTY.

7:00 P.M. RECONVENED OPEN SESSION
The Mayor reported that no action was taken in Closed Session.

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation: Mayor Pete Martinez

PROCLAMATION
“All-America Decade Celebration Day” - May 21, 2004 & “All-America City Conference Day”- May 22, 2004

PRESENTATIONS
A. Employee Service Awards

Mayor Martinez presented a certificate to Fred Beltran for 25 years of service with the City. He stated that Tim Jensen, Robert Young - 20 years; Richard Givens, Charles McMillan, Dawn Szypulski, Bryce Woods - 15 years; Howard Mizuki - 10 years; and, Gale Stewart; Julian Lopez, Ronald Owens, and Clyde Tillery - 5 years, were not present at the meeting.
B. Janet Hettinger

Janet Hettinger BSN PHN, along with members of the Tulare County Teen Pregnancy Prevention (TPP) Collaborative, made a presentation to the Council to bring awareness of the teen pregnancy problem in Tulare County. She stated that May was Teen Pregnancy Prevention Month.

C. City Manager’s Featured Projects for May, 2004
1. Memory Lane Widening Project
2. Trailhead Park
3. Library Second Computer Lab
4. Upgrade Permits & Inspection Software

ORAL COMMUNICATIONS

• Mayor Martinez spoke on the importance of the citizens standing up and addressing issues with the Council, and more importantly on some issues, with Legislators and people in control of decisions which effect all of us at the local level—such as prayer and local budgets. He thanked the Recorder for looking at these matters and bringing them to local attention.

• Richard Hartman, 1731 W. Lloyd, Associate Pastor for the First Assembly of God, stated that Council and their hard work is much appreciated. He also offered a prayer and blessing to the Council.

• Dorothy Broome, 863 Crystal Street, asked for an explanation of Agenda Item No. 4.

• Jim McElfish, Porterville, stated that this nation was founded on Christianity and Jesus Christ, and that the ACLU is a communist outfit.

• Mary West, Porterville, stated that she was concerned with Christians being told not to read the bible and praise Jesus Christ, and that she is not ashamed for loving Jesus and worshiping Jesus.

• A citizen of Lindsay expressed her concern regarding Council not being allowed to say the name of Jesus in prayer. She stated that atheists have no beliefs and are afraid of Christians. She also stated that Council is denouncing Jesus by bowing down to Satan, and is not standing up for Jesus Christ.

• Cathy Capone, 806 W. Westfield, came up to say that to be a government, to be a public forum, the Council must be open to all of the citizens of Porterville, not all of which are Christians. She stated that everyone has the right to believe what they believe, but that religious business should not be done here at the meetings.

• Ethel Quiram, 1028 N. Highland Drive, presented two handouts to Council. She informed Council that every state in the United States acknowledges God in their Preambles.

• Lloyd Winter, 1075 W. Roby, came forward on behalf of the Rolling Relics Car Club to thank the City Council, staff, and everyone involved for their help and participation with the car show.

• Mayor Martinez thanked everyone for coming.

• Sue Lofton, Lindsay, came forward to state that she thinks that Council is doing a wonderful job, and that if someone is ashamed of Jesus, Jesus will be ashamed of them.

• Kathy Poundstone, P.O. Box 1858, Porterville, came forward on behalf of the Porterville Women’s Club to state their support for the name of “Heritage Community Center.”

• Greg Shelton, 888 North Williford Drive, came forward to thank Council in advance for the Williford Project, and stated that he was glad to see it going to bid.

• Norma Thetheny, 22357 Avenue 154, spoke regarding keeping the name of Jesus in prayer.
• Glenda Thomas, P.O. Box 1343, Porterville, came forward to state that taking a silent stand for God is not a stand at all, and that prayer can change things.
• Donnette Silva-Carter, 93 N. Main Street, came forward to thank Council for approving the street closure and the extension of the street closure, and thanked the community for their support.
• Council Member West stated that he does believe in Jesus Christ.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF FEBRUARY 23 AND APRIL 20, 2004

   Documentation: Minute Order 01-051804
   Disposition: Approved

2. AUTHORIZATION TO ADVERTISE FOR BIDS – WILLIFORD DRIVE RECONSTRUCTION AND DRAINAGE PROJECT

   Recommendation: That City Council:
   1. Approve the Plans and Project Manual;
   2. Authorize the appropriation of $150,000 from Local Transportation Funds;
   3. Authorize the re-appropriation of $25,000 from Developer Fees; and
   4. Authorize staff to advertise for bids on the project, contingent upon successful property negotiations with an adjacent property owner.

   Documentation: Minute Order 02-051804
   Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – WATER WELL NO. 28

   Recommendation: That City Council:
   1. Approve the Plans and Project Manual; and
   2. Authorize staff to advertise for bids on the project.

   Documentation: Minute Order 03-051804
   Disposition: Approved

5. ACCEPTANCE OF THE MEMORY LANE PROJECT

   Recommendation: That City Council:
   1. Accept the Memory Lane Widening 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: Minute Order 04-051804
   Disposition: Approved
6. SIGNING OF MORTON HILL AVENUE

Recommendation: Informational Item Only
Documentation: Minute Order 05-051804
Disposition: Approved

7. AUTHORIZATION TO ENTER INTO SERVICE AGREEMENT FOR MASONRY INSPECTOR SERVICES – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council:
1. Approve the Service Agreement with Technicon Engineering Services, Inc. for amount not to exceed $14,780.00, and authorize a 10% contingency for unforeseen inspection services; and
2. Authorize the Mayor to sign all documents.

Documentation: Minute Order 06-051804
Disposition: Approved

8. IMPACT SCIENCE CONTRACT AMENDMENTS FOR ENDANGERED SPECIES ACT COMPLIANCE

Recommendation: Authorize the Mayor to sign an amended agreement with Impact Sciences to include Construction Management services by Wildlands, Inc., Financial Calculation assistance by Wildlands, Inc., and additional costs associated with the reclassification of the project from a Low Impact HCP to an HCP, in the total amount of $42,435.00 plus 10% for contingencies.

Documentation: Minute Order 07-051804
Disposition: Approved


Recommendation: That City Council:
1. Authorize staff to make payment to, Mr. Albert L. Hearne and Mrs. Bertha M. Hearne, owners of the property, in the amount of $199.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

Documentation: Resolution 58-2004
Disposition: Approved
10. **DISPOSITION OF GLASS WINDOWS AT 296 NORTH MAIN STREET**

Recommendation: That the City Council:
1. Authorize the disposition of a portion of the glass transom windows in the City owned property at 296 N. Main Street and transfer the glass to the St. James Place project at 250-256 North Main Street; and
2. Authorize the storage of the remaining glass for use in future historic renovation projects.

Documentation: Minute Order 08-051804
Disposition: Approved

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to approve items 1, 2, 3, and 5 through 10. The motion carried unanimously.

Disposition: Approved

4. **AWARD CONTRACT – EMERGENCY GENERATORS**

Recommendation: That the Council award the contract for emergency generators to Morris Levin & Sons of Porterville, CA, in the amount of $122,936.81. Further, that Council authorize payment upon satisfactory delivery of the equipment.

Mayor Pro Tem Irish requested that the staff report be read, and the Public Works Director presented the report.

Dorothy Broome, 863 Crystal, came forward to ask what the generators would be used for.

Council Member Hamilton explained that these generators were portable and would provide the power to operate the pumps during an electrical emergency.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr to accept staff’s recommendation. The motion carried unanimously.

M.O. 09-051804

Disposition: Approved

**PUBLIC HEARING**

11. **RESTORATION OF MUNICIPAL FRANCHISE FEES**

Recommendation: That (1) the Council accept public comment on the subject of the restoration of the municipal franchise fees as calculated in the 1998 MSI study. (2) Authorize staff to begin collecting the fully restored fees effective June 1, 2004. (3) Authorize staff to circulate an RFP to hire a consulting firm to
update the City Fee Schedule, to be paid for from savings in General Fund contributions to street maintenance.

Deputy City Manager Darrel Pyle presented the staff report.

Mayor Martinez opened the public hearing at 8:09 p.m.

Cathy Capone, 806 W. Westfield, came forward to support staff’s recommendation.

The hearing was closed to the public at 8:10 p.m.

Mayor Pro Tem Irish stated that more than likely, when looking at franchise fees and comparing them to 1988, we are not going to have a fee reduction, which will effect every citizen in Porterville.

Council Member West stated that when someone cuts the streets to replace a sewer or water line, the person has to bear the costs of replacing the asphalt, and does not see how the City should have to pay for it.

Public Works Director Baldo Rodriguez stated that the City has to repair trenches that fail or deteriorate over time.

Council Member West stated that the fee for cutting streets is not enough to cover the costs to the City for repairs.

Mayor Pro Tem Irish stated that he would feel more comfortable if the City developed some type of a line item budget to track the fees, and make sure that they are going to exactly what they are supposed to be going to, and not spilling into the general fund.

Darrel Pyle proposed that as the 2004-2005 fiscal budget is implemented, that parameters are developed to track those dollars.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve staff’s recommendation with the addition of the line item budget suggested by Mayor Pro Tem Irish.

M.O. 10-051804

AYES: West, Hamilton, Stadtherr, Martinez
NOES: Irish
ABSTAIN: None
ABSENT: None

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to authorize staff to circulate an RFP to hire a consulting firm as recommended by staff. The motion carried unanimously.

M.O. 11-051804

Disposition: Approved
12. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 26

Recommendation:  That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 26.

Parks and Leisure Services Director Jim Perrine presented the staff report.

Mayor Martinez opened the public hearing at 8:22 p.m.

Cathy Capone, 806 W. Westfield, came forward to express her concern with the lighting being energy efficient and light being directed downward.

Mr. Perrine stated that the lighting being utilized is the standard lighting that has been adopted by the City and Southern California Edison.

The hearing was closed to the public at 8:24 p.m.

COUNCIL ACTION:  MOVED by Council Member West, SECONDED by Council Member Stadtherr to accept staff’s recommendation. The motion carried unanimously.

Disposition:  Approved

13. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 27

Recommendation:  That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 27.

Parks and Leisure Services Director Jim Perrine presented the staff report.

The hearing was opened to the public at 8:25 p.m.

Cathy Capone, 806 W. Westfield, came forward to ask Council to consider looking into more energy efficient lighting and dark skies lighting designs.

The hearing was closed to the public at 8:27 p.m.

COUNCIL ACTION:  MOVED by Council Member Stadtherr, SECONDED by Council Member West to accept staff’s recommendation. The motion carried unanimously.

Resolution 60-2004

Disposition:  Approved
14. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 28

Recommendation: That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 28.

Parks and Leisure Services Director Jim Perrine presented the staff report.

The hearing was opened to the public at 8:28 p.m. and closed at 8:29 p.m.

Mayor Pro Tem Irish asked what type of yearly increase this was tied to, and was told that it was the Consumer Price Index Rate.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to approve staff’s recommendation. The motion carried unanimously.

Disposition: Approved

15. ENVIRONMENTAL REVIEW FOR THE FORMATION OF CENTENNIAL PLAZA PARK AND RELATED ACTIONS FOR THAT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN CLEVELAND AND THURMAN AVENUES

Recommendation: That the City Council:

1. Adopt the draft resolution approving a Negative Declaration for the formation of the Centennial Plaza Park and related actions.

Community Development Director Brad Dunlap presented the staff report.

The hearing was opened to the public at 8:34 p.m.

Dick Eckhoff, 180 N. Main, came forward to thank staff and Council, and state that he was very eager to see the park project expedited.

Cathy Capone, 806 W. Westfield, came forward to express her support for the Centennial Plaza Park project.

The hearing was closed to the public at 8:35 p.m.

Council Member Hamilton asked how many parking spots could be provided without the building.

The Community Development Director stated that the area would provide twenty-two parking spaces.
Council Member Stadtherr asked if bicycle parking would be provided.

The Parks and Leisure Services Director stated that bicycle parking could be provided.

Brad Dunlap stated that staff was preparing a grant application for bike lockers in a few different locations, one of which would be City Hall.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West to approve staff’s recommendation. The motion carried unanimously.

Resolution 62-2004

Disposition: Approved

At 8:40 p.m. Council took a 5-minute break.

**SCHEDULED MATTERS**

16. NAMING OF THE NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That the Council determine an appropriate name for the new building and provide direction on any program to be implemented for promotion of principled community service lifestyles or role models.

Parks and Leisure Services Director Jim Perrine presented the staff report.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to name the building the Porterville Heritage Center with the “Character Counts” theme within the building. The motion carried unanimously.

Disposition: Approved

17. REVIEW OF PARKS AND LEISURE SERVICES DEPARTMENT WORK PLAN

Recommendation: Review the Parks & Leisure Services Department Work Plan.

Council Member Hamilton asked if the City lost the funding for Rails to Trails.

Mr. Perrine stated that they still had time for funding and they anticipate, with engineering resources being allocated to this project, that they will be able to move the project along next year and get it constructed.

City Manager John Longley added that the related item project, which was also a grant project for the crossings, has a relatively short time frame on it, and was something that might be brought back to the next meeting with additional information.

Council Member Hamilton asked for clarification on the reallocation of funds for the Tule River Parkway, Phase III.
Mr. Perrine responded by saying that they thought they had successfully achieved the reallocation of funding, but after further analysis, it was discovered that they were not permitted to make such a reallocation. The City has reapplied for the right of way acquisition funding, and expect to hear in August from the California Transportation Commission. The right of way acquisition funding will allow the City to acquire the right of way and to do the design work. The application for construction funding would then follow.

COUNCIL ACTION:  MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation. The motion carried unanimously.

Disposition:  Approved

18. GOLF COURSE ENTERPRISE OPERATION AND OPTIONS

Recommendation:  That the Council consider the options presented and provide staff with direction for further development or research on a preferred option.

Parks and Leisure Services Director Jim Perrine presented the staff report.

Josh Kittrell, 1359 Grand Ave., came forward to state that he would hate to see the City lose the golf course, because golf is a wonderful sport.

Jeri Quinn, Porterville, stated that she is from a golfing family and that the golf course is a landmark in Porterville. She would hate to see it go, and stated that there are many different options for use of the golf course.

Pete McCraken, 657 W. Village Green, stated that he was told that the golf course was a gift to the City with the condition that it be used for a golf course.

Cathy Capone, 806 W. Westfield, came up to state that as a parent she values the sport of golf and what it has given to her son.

Dale Bartlett, 927 W. Kanai, stated that most golf courses are run by a municipality and do experience a loss. He stated that the City needs to draw in outside players, and the City needed an 18 hole course.

Council Member Hamilton suggested that an independent landscaper be used to decrease the costs of maintenance.

Mayor Pro Tem Irish requested that the prices be re-evaluated to increase customers, and asked what the market is; ages playing, boundaries, etc. He also stated that when a business is slow you do not raise prices or you will lose customers.

Dale Bartlett responded to the question by saying that the market area was Porterville, and the age group of players was 8-80 years of age.
Mr. Perrine went into more detail on the breakdown of people who use the golf course.

Mayor Pro Tem Irish stated he has some real concerns about the golf course and stated that either way its fate will effect the citizens of Porterville.

City Manager Longley identified the possible options or perspectives available.

Mayor Pro Tem Irish asked for a breakdown of maintenance costs, and asked again that prices be adjusted to possibly increase the market and bring back some customers.

Council Member West asked if there were any restrictions on selling the land.

City Attorney Julia Lew stated that she was currently looking into possible deed restrictions.

Mayor Pro Tem Irish stated that he hoped that Council followed through with the intent of the family at the time.

City Manager Longley re-stated Council’s direction to look at every measure of short run savings (look at privatization and potential cost savings); get a better break down of expenses, not ‘other’; look at the fee structure on monthly tickets (9 hole fee Mon-Thurs) to generate funds; keep in mind the intent of the original property owners; and, contact the Men’s Golf Association, Mr. Kittrell, for input on this.

Josh Kittrell, 1359 Grand Ave., stated that there was not enough promotion of golf. He spoke on the optimum use of the golf course, and making the golf course an enterprise and removing it from the general fund.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West to look at every measure of short run savings; get a better break down of expenses; look at the fee structure on monthly tickets to generate funds; keep in mind the intent of the original property owners; and contact the Men’s Golf Association for input on this as stated by the City Manager. The motion carried unanimously.

Disposition: Approved

**19. IMPLEMENTATION PLAN FOR OPENING MURRY PARK ROADWAY**

Recommendation: Direct staff to implement the plan to prepare the Murry Park loop roadway for opening to one-way traffic by May 28, 2004, with parking to be permitted only in the paved area immediately east of the pond, and the hours of gate opening and parking to be set the same as restroom hours.

The Parks and Leisure Services Director presented the staff report.
Council Member Hamilton asked if the high school still had vocational welding classes and if they could get involved in the gate project. He suggested just repairing the gate that is inoperable, since the park is being opened on a trial basis and may be closed again.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to approve the recommendation; contact the Vocational Welding Class to work on repairing the gate that is inoperative; review in three months the status of the roadway opening; and, look for ways to reimburse Zalud and Veterans Parks for the use of their funds. The motion carried unanimously.

Disposition: Approved

20. **SKATEBOARD ORDINANCE**

Recommendation: That City Council provide input and direction relative to the revision of the current ordinance.

This item was continued and will be brought back in a few months after further analysis.

21. **REPORT OF THE ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENGINEERING NEWS RECORD 20-City CONSTRUCTION COST INDEX**


The Public Works Director Baldo Rodriguez presented the item.

Disposition: Report Only.

Adjourn to a Meeting of the Porterville Redevelopment Agency at 9:49 p.m.

**PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

May 18, 2004

Roll Call: Redevelopment Agency: West, Hamilton, Stadtherr, Irish, Martinez

**WRITTEN COMMUNICATIONS** - None

**ORAL COMMUNICATIONS** - None

**SCHEDULED MATTER**

PRA-1. **BUILDING FACADE RENOVATION GRANT PROGRAM VARIANCE REQUEST FOR 118 N. MAIN STREET**

Recommendation: That the Redevelopment Agency deny the request for a Variance to the Downtown Porterville Architectural Design Guidelines and direct staff to enforce the Facade Easement Agreement executed on May 2, 1995.
This item was moved to the June 1, 2004 meeting.

PRA-2   REDEVELOPMENT STRATEGIC PLAN STATUS REPORT

Recommendation:   Informational item only.

Adjourn to a Meeting of the Porterville City Council at 9:53 p.m.

ORAL COMMUNICATIONS
   Felippe Martinez, 195 W. Putnam, spoke regarding getting someone to come in with a proposal to promote City facilities, such as the golf course, Zalud House, etc. Council thanked him for volunteering to chair a committee.

OTHER MATTERS
   • Mayor Pro Tem Irish thanked Mr. Longley and Council for their guidance.
   • Mayor Martinez thanked Council for their assistance. He welcomed any suggestions on speeding up the Council meetings.

ADJOURNMENT
   The Council adjourned at 9:57 p.m. to the Adjourned meeting of May 25, 2004 at 4:00 p.m.

SEAL

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

Pedro R. Martinez, Mayor
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - MAY 25, 2004
CITY HALL CONFERENCE ROOM - 4:00 P.M.

Call to Order: 4:00 p.m.
Pledge of Allegiance by Council Member West
Invocation by Mayor Pedro Martinez
Roll Call: City Council: West, Irish, Hamilton, Stadtherr, Martinez

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

1. BUDGET STUDY SESSION

The City Manager stated that the purpose of the study session was to provide the initial review of the budget, to answer and clarify questions, and to give directions as to modifications to the budget. He stated that it was anticipated that the budget would go to a public hearing after the study session process was completed, probably the second meeting in June when a full Council would be present. The City Manager stated that the budget had been generally outlined in narrative material, and he then went through the budget narrative with the Council.

Council Member Hamilton expressed his concern about running a deficit budget, and using the equipment replacement fund to do it also.

The Deputy City Manager stated that they were under-funding the budget between $250,000 and $400,000, and under-funding the Equipment Replacement Fund for the 2004/05 Fiscal Year. He stated that the General Fund Departments would not contribute to the Equipment Replacement Fund in 04/05, while all the Enterprise Funds would continue to contribute. He stated that the strategy was that in Fiscal Year 06/07, when recovery began and if all variables fell into place, they would bring back to Council a recommendation on how to catch up for lost time and lost contributions to the Equipment Replacement Fund. He stated that they were seeking grants that were clean air related to replace older equipment which were partially funded in the Equipment Replacement Fund. He stated that perhaps they could reallocate any saved resources to other General Fund areas.

Council Member Hamilton stated that another major concern was the drastic increase in salaries and health and benefits in the departmental budgets, while reducing operational expenses.

The Deputy City Manager stated that they were monitoring the benefits costs, and they would be meeting and conferring, and would be bringing back to Council the costs and a strategy.

Council Member Hamilton spoke on the high cost of the retirement system. He stated that he was concerned because the citizens take care of them and the budget was structured to take care of the employees. He stated that they were not maintaining the level of service for them, and the citizens were the ones getting short changed.

City Manager Longley stated that he felt that they delivered a good service level, and having a continuity of employees was one of the crucial aspects of that. He stated that what was proposed was a bridge
type program because of State action visited upon the City, especially the cuts, in order to maintain service levels. He stated that in order to do that, they had to maintain their employment base. He stated that the salary increases defined in this budget to be expended were the raises already agreed to through MOUs or resolutions. He stated that everything else was subject to future Council determination through the meet and confer process.

Council Member Hamilton stated that what was being proposed now was not funding the Equipment Replacement now, and hopefully refunding in 06/07, which would be backfilling their own coffers and wouldn’t be doing any capital projects—so where was the hope for the future.

The City Manager stated that it was to maintain the momentum from the past, and that was what this budget attempted to do. He stated that the option was to go back and revisit service levels, which was a Council decision.

Staff then reviewed the Departmental General Fund Budget and Service Review Statement, and the corresponding General Fund Expenditure Estimates which was broken down by department.

Council made the request that during the MSI Study the consultant should review a cost center for charges to Schools for police calls to respond on campus, or at least a charge to the parent or person generating the call.

The Deputy City Manager then handed out and reviewed the All Funds Summary, and a matrix of changes in the General Budgets from 2003/04 to 2004/05.

Council took a break at 5:17 p.m. to 5:25 p.m.

The City Manager then reviewed the ‘Other City Funds’ narrative, and the Deputy City Manager reviewed corresponding Budget Fund documentation. The Field Services Manager presented the Farming Operation with revenue decreases and expenditures increases for 03/04 and 04/05. The Deputy City Manager also presented the proposed modification in the Healthcare program

During the review, City Council made the following requests:
- Staff to bring to Council different advertising programs available and anticipated revenues estimates from selling advertising space on the fixed route buses, along with examples of how much money some other cities and agencies have generated from their ad space sales.
- Staff to provide information to Council on the cost of adding fluoride to the water system.
- Mayor Pro Tem Irish requested that Council look at passing a resolution saying that they could not take the equipment replacement funds down past a five year minimum reserve without a four-fifths vote.

City Manager stated that the erosion this year was 5%, and there were red flags all over the place, but they had entered into this as a disclosure thing to tell the Council what the problems were. He stated that they could do it as a promotional thing and tell Council the good stories, and the good stories were that they were very strong and very financially strong as a government, at times when other people weren’t. They have had two challenging years, and through savings they had accumulated revenues, and it was in the context of where they were as a government that they had prepared this budget which carries them through and keeps them strong at the end of the year. He stated that what had happened to them was nearly a perfect storm, and they had gone through it and addressed fund deficiencies in airport, golf and Zalud House variously through reorganization and through some subsidy. He stated that they had addressed deficiencies in the underfunded healthcare cost program. The City Manager stated that they were funding the high cycle of PERS costs at this time, but PERS savings had actually bailed budgets out in the past. He stated that they were covering large
losses from State curtailments, and every year they were visited by eroding per capita revenue base as a result of residential development which does not pay for itself because of the configuring of property taxes. So in what was nearly a perfect storm of problems, they were presenting a budget that was 5% or 6% out in terms of a one year deficit. It was a spending plan, and staff felt that they had told the Council about every wart. He stated that they had proposed an approach to the budget where they were continually revisiting it. In terms of an approach, they had provided targets, and if they didn’t hit their targets, then there was a problem that needed to be discussed. He stated that there were targets throughout the year, and there was accountability. He stated that all of that was done in the context that they have an effective service that could be carried on over a three year time frame, and they could come out the other side O.K. City Manager Longley stated that they could also meet a whole series of bullet points of expectations set for the service in terms of service levels and where they were focusing the priority effort. He stated that the staff was bringing forward this preliminary budget which they felt was a strong future step to continue service levels within a set of reasonable economic expectations.

The Deputy City Manager stated that during the course of the upcoming fiscal year, as they worked with other agencies in Tulare County towards joint solutions to public safety funding levels, they would be bringing information back to City Council for review and possible action. He stated that all the Departments shared the philosophy that steps needed to be implemented to provide additional public safety staffing, and a plan needed to be developed to provide on-going growth in public safety staffing to keep pace with the population.

Mayor Pro Tem Irish asked about PERS savings being used to offset budgets, and he asked that staff provide an accounting of the PERS costs and refunds over the past ten years.

The Deputy City Manager spoke regarding the PERS savings, and its drop to the bottom line for inclusion as beginning resources in the budget line items. He stated that the reason the funds were as much as they were in the budgets was because of departmental savings, and one component of the departmental savings was because of the anticipated PERS rates in years past which were not expended. The Deputy City Manager went on to explain that the $1.5 million in the “locked box” was not included in the computation, and the money stayed in the General Fund and generated interest income. The interest then became part of the revenue mix as the $1.5 million was not designed to grow by the amount of allocated interest. He stated that they proposed that over the next three years the $1.5 million stay as a reservation and not grow by either contribution or interest, which would be affected by inflation.

Mayor Pro Tem Irish stated that perhaps they needed to look at that to make sure the “locked box” stayed with a $1.5 million value that was anticipated to be used three, five or ten years from now. He stated that it would not be the same as the $1.5 million would represent less ten years from now.

The Deputy City Manager stated that it was a mechanism available since they knew the dollar amount. He stated that they could calculate the annual portfolio earnings that were generated and increase the “locked box” by its allocated interest, and that would be the new “locked box” number for the next budget.

The City Manager then reviewed the final ‘Other City Funds’ narrative, and the Deputy City Manager completed reviewing the corresponding Budget Fund documentation.

The City Manager stated that this summarized their explanations of their proposal to the Council for a budget for 04/05, and asked if Council desired subsequent study sessions, or whether staff should schedule a public hearing for consideration of the final budget. Council concurred on the June 15 public hearing. The
Deputy City Manager stated that staff would prepare a finished budget document, as stated tonight, prior to June 15.

The Deputy City Manager stated that in the General Fund Summary they tried to take into account all the things they knew as of the date they pushed the button on May 20. They accounted for the triple flip, the Governor’s deal, the loss of booking fees reimbursement from the State, the lack of mandated cost reimbursements, all those things, and they tried to take into consideration normal growth and property tax revenue, and normal growth and sales tax revenue. He stated that in appropriations, to try and make the picture as realistic as possible, they calculated and could see some bounce and the picture began to improve in 2006/07, as designed in the Governor’s deal. He stated that the appropriations listed for 2005/06 and 2006/07 were increased by a little over 2.9%. Those were the things that, since this was a one year budget document, what they were hoping to do was look at the vision and actually see that, if these things take place, do they begin to recover? He stated that this documented that if these things take place, then yes they do. The Deputy City Manager stated that they still had control over several components of the document for the next two years, and they would bring it back before the Council as part of development for 2005/06 and 2006/07 with recommendations for appropriations in the departments. He stated that in public safety it might be substantially more than 2.9%, and in other departments substantially less. He stated that in total they tried to make it as realistic as possible—the decision was still Council’s and the control was still there to improve the picture potentially, substantially by what action was taken in terms of approved appropriations in 2005/06 and 2006/07.

City Manager stated that was Council policy, and if Council would accept this for this year, they could give directives for next year that all equipment replacement funds should be 50% funded, or whatever the Council said, and when staff put together the budget next year, that became how they put it together.

Mayor Pro Tem Irish stated that he would like a study session on the equipment replacement fund prior to the next budget.

The Deputy City Manager stated that by the January date they would know whether the ballot initiatives passed, and whether the State has taken steps to fund those constitutional provisions. He stated that right now the budget was based on the deal passing, the voters approving those pieces, and if those don’t happen, changes would happen.

Council Member West congratulated staff on the good job on the budget.

Mayor Pro Tem Irish stated that they needed to look at the farming issue again, and the City Manager stated that it was something they would look at.

The Council took a break from 6:40 p.m. to 6:45 p.m.

2. OFF-HIGHWAY VEHICLE PARK INSURANCE

Recommendation: That the City Council accept the liability insurance proposal from Save the Tracks, Inc. for casual/practice riding at the Porterville Off Highway Vehicle Park in the amount of $9,020.00 and authorize opening of the OHV track once liability insurance coverage is obtained.

The Parks and Leisure Services Director presented the staff report.

Council Member Hamilton questioned why the City wasn’t promoting their own races.
COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that Council accept the liability insurance proposal from Save the Tracks, Inc. for casual/practice riding at the Porterville Off Highway Vehicle Park in the amount of $9,020.00 and authorize opening of the OHV track once liability insurance coverage is obtained. The motion carried unanimously.

M. O. 01-052504

OTHER MATTERS/COUNCIL COMMENTS

Mayor Pro Tem Irish stated that he would be absent from the June 1 Council Meeting.

The City Manager clarified that he had direction in terms of summary of costs in adding fluoridation, also the PERS rate history, but asked if he should schedule something on equipment replacement also.

Mayor Pro Tem Irish stated that staff should do equipment after January 1.

ADJOURNMENT

The Council adjourned at 6:48 p.m. until June 1, 2004.

Georgia Hawley, Deputy City Clerk

SEAL

Pedro R. Martinez, Mayor
CITY COUNCIL MEETING
PORTERVILLE, CALIFORNIA
JUNE 1, 2004 6:00 P.M.

Call to Order: 6:00 p.m.
Roll Call: Councilman West, Councilman Hamilton, Councilman Stadtherr, Mayor Martinez
Absent: Mayor Pro Tem Irish

CLOSED SESSION:
A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SEC. 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY ATTORNEY.

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

Pledge of Allegiance Led by Council Member Kelly West
Invocation by Pastor Steve Belke, Strathmore First Baptist Church

PROCLAMATIONS
“Porterville’s High School Bands Appreciation Day” – June 1, 2004

PRESENTATIONS
• Employee of the Month for June – Howard Mizuki
• Leadership Porterville – Mary Hodges, 187 W. Olive Avenue, Support and Employment Job Developer for Porterville Sheltered Workshop, and member of the 2004 Leadership Porterville Class. She invited Council to purchase fireworks at the Porterville Sheltered Workshop. The class introduced themselves: Nathan Delk, City of Porterville; Donna Schendel, Porterville Recorder; Kerry Reynolds, Sierra View District Hospital ER Nurse; Megan Hanson, Megan’s Manicures and More; Stephanie Gibson, Eagle Mountain Casino; Bethany Ambrosini, Finance and Thrift; Judy Sarber, Nurse Practitioner Porterville Developmental Center.
• Council Member Hamilton thanked Rick McIntire, Global Drug Testing, for sponsoring the project to restore the “P” on “P” Hill.
• Mayor Martinez recognized Council Member Hamilton’s pastor, Mark Pitcher, for attending.

ORAL COMMUNICATIONS
• Ben Harvey, President of the Porterville Area Pilot’s Association, invited the Council to the commemorative wall dedication on Saturday, June 12 at 1:30 p.m. at Porterville Airport.
• Rick McIntire, 31846 Country Club Drive, presented gifts to Council which he received from seven different Mayors on his trip to Fukoshima, Japan. He also acknowledged the Leadership Porterville Class and all the volunteers who participated in efforts to restore the “P”.
• Peter Schalember, 1591 N. Salisbury, Pastor of the First Assembly of God, thanked the Council and staff, and stated that he, and his congregation, were there to stand with the City on every occasion possible. He than said a prayer for Council and the City.
• Jim McElfish, 49 Carmelita, spoke regarding Wal-Mart selling fireworks in competition with the organizations selling fireworks to raise money.
• Phil Aiken, 940 W. Westfield, Pastor of the Porterville Church of God, spoke regarding the Council’s decision to not pray in the name of Jesus because of a court action. He stated that it had never been wrong to pray in the name of Jesus anywhere in the USA. He stated that Godly conviction was needed amongst the Council members, and an understanding of the Constitution. Why is it OK to discriminate against Christians to appease someone else? Why is it OK to discriminate against Jesus? He asked the
Council to put their heels in the ground, make a decision to honor the Lord Jesus Christ, and by doing so the City would be blessed in everything they set their hands to do.

- Nathan Delk, 330 Lindale Drive, stated that the packages fireworks at Wal-Mart and Target, were packages and were not the same as the fireworks sold in the fireworks stands, such as theirs at the Wal-Mart parking lot.
- Dan Rhodes, P. O. Box 688, spoke on the Constitution and allowing religion and prayer, and the abridgement of freedom of speech.
- Evelyn Rogers, 16 W. Oak, stated that she wished to speak in protest to the multiplication of fees for the Downtown Porterville Association. Mayor Martinez asked Ms. Rogers to speak during that item on the agenda.
- Pete McCracken stated that he appreciated the fiscal responsibility of the Council in evading and avoiding any potential lawsuits which might cost the City a lot of money, and in a very simple manner they have the generic invocation and everybody in the City has every opportunity during oral communications to bring up any other invocation. He stated that he didn’t agree with the court decision, but he agreed with the Council decision to protect the taxpayers’ pocketbook from somebody else’s court case.
- Steve Belke, 77 N. Balmoral, stated that when he prayed it was not to a generic God, and it was through Jesus without using the name. He stated that it was not to a generic God by ant means.
- Mayor Martinez stated that the Council had not taken any action saying that the name of Jesus was prohibited; it was something they dealt with in terms of the law, and were still dealing with.

CONSENT CALENDAR

Items 3, 7, and 10 were removed.

1. CITY COUNCIL MINUTES OF MAY 4 AND 11, 2004

   Documentation: Minute Order 01-060104
   Disposition: Approved

2. DISPLAY CASES FOR SISTER CITY ITEMS

   Recommendation: That the Council authorize staff to negotiate a contract with a local cabinet maker to custom build two display cases in the North lobby of City Hall for Sister City gifts, and to provide to the Council drawings of the proposed cabinets for design approval prior to the start of construction.

   Documentation: Minute Order 02-060104
   Disposition: Approved

3. ITEM WAS REMOVED FROM THE AGENDA

4. AWARD OF CONTRACT – BORE UNDER WASTEWATER TREATMENT FACILITY OFFICE BUILDING

   Recommendation: That City Council:
   1. Award the Bore Under the Wastewater Treatment Facility Office Building Project to Pacific Boring in the amount of $8,100.00;
   2. Authorize progress payments up to 90% of the contract amount; and
   3. Authorize a 10% contingency to cover unforeseen construction costs.

   Documentation: Minute Order 03-060104
   Disposition: Approved
5. CORRECTIVE GRANT DEEDS

Recommendation: That City Council accept the Corrective Grant Deeds and authorize the City Clerk to record said documents with the County Recorder’s Office.

Documentation: Resolution 63-2004
Resolution 64-2004
Disposition: Approved

6. NOMINATION OF GATEWAY ENTRANCE SIGNS, BICYCLE STORAGE FACILITIES, AND MURALS FOR TRANSPORTATION ENHANCEMENT ACTIVITIES FUNDING

Recommendation: That City Council:
1. Approved a resolution for the use of Transportation Enhancement Activities funds for the installation of gateway entrance signs, and authorize the Public Works Director to act as the Administering Agency Representative; and
2. Approve a resolution for the use of Transportation Enhancement Activities funds for the installation of bicycle lockers at several City owned locations and authorize the Public Works Director to act as the Administering Agency Representative; and
3. Approve a resolution for the use of Transportation Enhancement Activities funds for the painting of three murals along arterials in the downtown area and authorize the Public Works Director to act as the Administering Agency Representative.

Disposition: Approved


Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: Minute Order 04-060104
Disposition: Approved

9. CONTINUE JUVENILE ACCOUNTABILITY BLOCK GRANT (JABG) AGREEMENT WITH TULARE COUNTY

Recommendation: That City Council:
1. Waive the direct sub-grant award from the Police Department, transferring $5,466 to the Tulare County Probation Department; and,
2. Authorize the Mayor to sign the amended agreements with the Tulare County Probation Department.

Documentation: Minute Order 05-060104
Disposition: Approved
11. RESTORATION OF MUNICIPAL FRANCHISE FEES

Recommendation: That the Council adopt the attached draft resolution authorizing the restoration of the Municipal Franchise Fees to the amount calculated in 1988, and authorize the Mayor to sign the resolution.

Documentation: Resolution 68-2004
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to approve items 1, 2, 4, 5, 6, 8, 9, and 11.

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

7. SUMMARY OF SEWER RATE AND TREATMENT PLANT FEE INCREASE FOR FY 04/05

Recommendation: None

Public Works Director Baldo Rodriguez presented the staff report.

Council Member Hamilton asked why there is a need for a rate increase if the debt relief was lower, since the loan amount received was less than originally expected.

Mr. Rodriguez responded to this question by stating that the City is experiencing a deficit.

Council Member Hamilton asked if the reserve was 1.5 million, and what the reserve amount would be if the rate increase was postponed until next year after this year’s budget.

City Manager Longley stated that the spreadsheet that was prepared to be responsive to what this years cash flow is, shows that the City will lose $500,000 this fiscal year. He stated that he estimates the reserve at the end of the fiscal year will be about a million dollars, and clarified that staff at this time would like to go ahead with the plan that was previously approved by Council.

Council Member Hamilton asked if this was adjustment would be for new residential and commercial construction, to which the City Manager responded that it would.

Disposition: No action required.

10. TRANSIT CENTER LEASES

Recommendation: That the City Council:
1. Approve the draft Leases with Sierra Management and Orange Belt Stages; and
2. Authorize the Mayor to execute the Leases which will go into effect July 1, 2004

Mayor Martinez asked how staff came up with the numbers recommended.
City Manager Longley stated that these terms were negotiated by Mr. Irish and the operators, and that is the basis of the action with some adjustments for maintenance and landscaping.

Council Member Hamilton asked why there was no connection to the Consumer Price Index.

Deputy City Manager, Darrel Pyle stated that he did not have any information to explain how the lease agreement came to be without the Consumer Price Index, but that it is something that could be reviewed and included in future rental agreements.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to accept staff’s recommendation.

M.O. 06-060104

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

PUBLIC HEARINGS

12. MODIFICATIONS TO THE METHOD OF LEVYING ASSESSMENTS FOR THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE FOR THE FISCAL YEAR 2004-05

Recommendation: (1) At this time, it would be appropriate to take public comment on the proposed changes in methodology, and receive any protest votes regarding the proposed change.
(2) Direct Staff to notice the second Public Hearing for July 6, 2004

The Deputy City Manager presented the staff report.

Mayor Martinez opened the hearing to the public at 7:51 p.m.

Ellen Rogers, 16 W. Oak Avenue, Ellen’s Dress Making, came forward to state that she is not in favor of a modification to the assessment.

Belva Jean Mullican, 375 N. Main, Busy Bee Boutique, came forward to state that she protests the modification to the assessment.

Mel Booth, 36 W. Mill, owner of Junk N Tique, came forward to state that he was opposed to the increase and does not know what the Business Improvement District (B.I.D.) does.

Council Member Hamilton asked Mr. Booth if he knew how many people were present at the meeting regarding the assessments.

Mr. Booth stated that there were about thirty people present at the meeting, and that the majority of the business owners were in favor of the dissolvement of the B.I.D.

Megan Hanson, 36 E. Cleveland, Renewal Salon, stated her opposition to the assessment as she does not feel that the B.I.D. benefits her business.
Gayle Semple, Aunt Qs, stated that her fees are being raised three times; she is not in favor of the increase; she is sick of being bullied; she does not know where the money for the B.I.D. goes. She also stated that the Utility Users Tax that was previously implemented was supposed to be used to fund the Christmas lights, etc. and she would like to know where that money is going.

Renee Sprague, 75 N. D St., Sprague’s Outdoor Power Center, Treasurer of the B.I.D. board, came forward to invite everyone to the monthly board meetings; she stated that it is important to keep downtown well, but that an increase in the form of a flat fee would affect many negatively.

Council Member West stated that the B.I.D. should be voluntary and that if the board was advertising as well as they say they are then the business owners present would want to be involved with the B.I.D.

Gayle Semple, came forward to state that if the merchants have to pay the assessments then every business should have to pay, including banks and other financial institutions.

Scott Scheer, 73 N. Main St., Scheer’s Clothing, also Vice Chair of the Downtown Porterville Association, came forward to speak in opposition of the flat fee Assessment. He stated that he was in favor of the 150/50 option recommended by the Downtown Porterville Association. He stated that the flat rate being proposed would lower his assessment fee, but is still in favor of the 150/50 option, which would increase his fee because he believes in the B.I.D.

Shawn Swartzenberger, 97 N. Main, Variety Graphics, stated that he does not understand what the B.I.D. is for; that the B.I.D. does not benefit his business; he is fine with the current fee structure and opposed to the flat fee.

Dick Eckhoff, 30 E. Oak, President of the Downtown Porterville Association and Owner of Sierra Trophies, came forward to state that he benefits from events and activities downtown by people seeing his business; he is not in favor of a flat rate and still supports the 150/50 option. He also stated that all the B.I.D. business owners were notified at least three times regarding the meetings, and expressed his support for the B.I.D.

Deputy City Manager Darrel Pyle clarified for Council and attendants that there were 23 businesses that participated in the two meeting that were held.

Russell Fletcher, 165 N. Main, Fletcher’s Mall, stated that he loves this town; downtown is being ripped apart; is not in favor of a rate increase and stated that maybe he should move to a town where there are smarter people who can solve problems.

The hearing was closed to the public at 8:23 p.m.

Mayor Martinez asked if the business owners present knew of the different options presented to Council.

Council took at 10-minute break at 8:25 p.m.

Council Member Hamilton stated that he was disappointed in the turnout at the two meetings and requested that the business owners review the options and get back to the Council with a solution.

Council Member West made a motion to suspend the B.I.D. for a year until the businesses can get a plan put together.
Council Member Stadtherr stated that he did not support a flat fee and compared business improvement districts to condominiums with fees. He seconded Council Member West’s motion but withdrew due to a misunderstanding of the motion.

City Attorney Julia Lew suggested re-opening the public hearing and continuing it at another meeting to count protests.

Mayor Martinez stated that he wants businesses to get involved with the B.I.D.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Council Member Hamilton to re-open the public hearing and continue it to the next meeting.

M.O. 07-060104

AYES: Hamilton, Martinez
NOES: West, Stadtherr
ABSTAIN: None
ABSENT: Irish

Disposition: The motion fails and the assessment procedure remained unchanged.

13. RENAMING A PORTION OF WESTFIELD AVENUE TO JUBILEE LANE

Recommendation: That the City Council adopt the draft resolution containing findings in support of naming Jubilee Lane.

Mayor Martinez opened the public hearing at 8:55 p.m.

Phil Aiken, 940 W. Westfield, Pastor at Church of God, spoke in favor of the street name change because the street looks like an on ramp to the freeway and causes semi-trucks to turn around in their parking lot, which causes damage to the parking lot.

The hearing was closed to the public at 8:57 p.m.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to accept staff’s recommendation to adopt the draft resolution containing findings in support of naming Jubilee Lane.

Resolution 69-2004

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

14. ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Recommendation: That the City Council:
1. Conduct a public hearing for consideration of the Analysis of Impediments for Fair Housing Choice; and
2. Adopt the draft resolution adopting the Analysis of Impediments for Fair Housing Choice.
Denise Marchant presented the staff report.

The public hearing was opened at 9:00 p.m. and closed to the public at 9:01 p.m.

COUNCIL ACTION: Moved by Council Member Stadtherr, seconded by Council Member West to accept staff’s recommendation.

Resolution 70-2004

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

SCHEDULED MATTERS

15. WATER CONSERVATION PHASE II – WATER SYSTEM STATUS

Recommendation: That City Council:
1. Continue with Phase II of the Water Conservation Plan; and

Council Member Stadtherr stated that Lemoore has a tiered rate structure and asked if anyone had found out if they were happy with

Richard Bartlett, came forward to state that the rate structure used in Lemoore is different, which makes it hard to compare, and it is too early to tell if it is effective.

Mayor Martinez asked for an update on the implementation of Phase II of the Water Conservation Plan.

COUNCIL ACTION: Moved by Council Member Hamilton, seconded by Council Member Stadtherr to accept staff’s recommendation.

M.O. 08-060104

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

16. CONSIDER CONTINUATION OF STUDENT APPOINTMENTS TO THE PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That City Council consider continuation of student appointments to the Park & Leisure Services Commission or exploration of a possible youth group congress.

Council Member Hamilton asked what the City was trying to accomplish with this program.

Parks and Leisure Services Director Jim Perrine stated that the program gives the City’s youth every opportunity to participate in the planning of activities.
City Manager, John Longley, stated that the concept of the program is to reach out and encourage participation.

Mayor Martinez stated that he has had youth ask him how they can participate in the program; and stated that this program allows young people who are doing the right things to participate. Recommended decreasing the congress from four members to two.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to accept staff’s recommendation.
M.O. 09-060104
AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish
Disposition: Approved

17. SUMMARY REPORT ON APPROACHES TO INCREASE BIKE PATH DEVELOPMENT IN CITY

Recommendation: That City Council:
1. Direct staff to continue reviewing the bicycle grant funding sources.
2. Consider shifting bicycle facility funding priorities from Class I Bike Paths to Class II Bike Lanes and/or Class III Bike Routes during the General Plan Update process.

Council Member Stadtherr asked for clarification of Class I bike paths, questioned the location of the Class I bike paths and their use. Then he encouraged staff to start thinking away from arterial streets for bike lanes and to consider residential streets, which have less traffic and are wider.

Public Works Director, Baldo Rodriguez stated that wider streets would allow joint use and a safer path.

Mayor Martinez asked if bicyclists are supposed to travel on the side of the road or on the roads with traffic. He also inquired about the status of grants and the application process, and asked if more bikes on the roads would cause safety hazards.

Baldo Rodriguez stated that the applications have been submitted and the City should find out shortly how they will pan out, and that bike riders are to ride in the road with traffic and not on sidewalks or against traffic. He continued by stating that it would be hard to state whether an increase in bike riders would cause safety hazards due to the fact that the City does not have a large population of bicycle riders.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to accept staff’s recommendation.
M.O. 10-060104
AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish
Disposition: Approved
Recommendation: That City Council direct staff to:

1. Seek cost proposals from the firm of John Fitzgerald & Associates for the purpose of securing approximately $9,000,000 in Certificate of Participation funds to finance the Eastside/Hillside Development Plan; and

2. Secure the services of an engineering/accounting firm to perform a water rate study to determine appropriate water related fees needed to pay back the CITY OF PORTERVILLE loan.

Council Member Hamilton asked if the City would use the same consultant that recommended the CIEDB loan.

Baldo Rodriguez assured him that it was not the same consultant.

Council Member Hamilton asked what the approximate debt relief would be.

Deputy City Manager Darrel Pyle stated that the interest would be at the high end, approximately one half a million dollars.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation.

M.O. 11-060104

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

Council adjourned to a Meeting of the Porterville Redevelopment Agency at 9:44 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

June 1, 2004

Roll Call: Redevelopment Agency: Agency Member West, Agency Member Hamilton, Agency Member Stadtherr, Agency Chair Martinez
Absent: Agency Vice Chair Irish

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

Dick Eckhoff, Downtown Porterville Association, 180 N. Main, came forward to speak regarding Item PRA-2.

PUBLIC HEARING

PRA-1. REDEVELOPMENT FIVE YEAR IMPLEMENTATION 2005-2009

Recommendation: That the Redevelopment Agency:

1. Conduct a public hearing for consideration of the Redevelopment Implementation Plan for 2005-2009; and

The hearing was opened at 9:47 p.m. and closed at 9:48 p.m.

**AGENCY ACTION:** MOVED by Agency Member Hamilton, SECONDED by Agency Member West to accept staff’s recommendation.

PRA 2004-02

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

**SCHEDULED MATTER**

**PRA-2. BUILDING FACADE RENOVATION GRANT PROGRAM VARIANCE REQUEST FOR 118 N. MAIN STREET.**

Recommendation: That the Redevelopment Agency deny the request for a Variance to the Downtown Porterville Architectural Design Guidelines and direct staff to enforce the Facade Easement Agreement executed on May 2, 1995.

Gina Blasingame, 118 N. Main St. requested approval of the variance request or for the Council to provide other color options.

Dick Eckhoff, Downtown Porterville Association, 180 N. Main, came forward to speak regarding PRA-2. He stated that he does not condone the violation of the facade agreement, but does back the variance request; is in favor of reconsideration of color palette; and believes there is no money in the program.

Felippe Martinez, 195 W. Putnam, stated that a reconsideration of the color palette may help revive downtown.

Mayor Martinez suggested getting the fourteen businesses under the contract together with the Downtown Porterville Association to consider a new color palette.

Council Member Hamilton asked that a time line of events regarding this matter be read.

Council Member Stadtherr stated that the current breech on contract needs to be dealt with prior to consideration of a new color palette.

Mayor Martinez stated that there is a process to change and that process needs to take place. He also asked Mrs. Blasingame why she painted the building before asking the Council for permission.

Gina Blasingame stated that she had not read the complete informational packet.

Mayor Martinez stated that there are two issues: compliance and change.

Council Member Hamilton stated that he likes the color, but that the contract needs to be enforced.
City Attorney, Julia Lew, stated that if a variance is granted in this case there will be an enforcement problem.

AGENCY ACTION: MOVED by Agency Member Stadtherr, SECONDED by Agency Member West to accept staff’s recommendation that the Redevelopment Agency deny the request for a Variance to the Downtown Porterville Architectural Design Guidelines and direct staff to enforce the Facade Easement Agreement executed on May 2, 1995.

M.O. PRA 01-060104

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved

The Agency adjourned to a Meeting of the Porterville City Council at 10:15 p.m.

ORAL COMMUNICATION

• Dick Eckhoff asked how the list on Item 16 was evolved, why some schools were included and others were left out.

OTHER MATTERS

• Council Member Stadtherr spoke on Item #6, Recommendation #3. He suggested repainting the advertisements on the back of some of the buildings on Main Street just north of Putnam; some that are already in place, historically accurate and 2-color.
• Council Member West asked what happened with Quad Knopf and their refiguring of the price on that street.
• Council Member Hamilton stated that he had been asked by a USD Board Member to look into the possibility of putting Little League fields at Santa Fe and putting the Babe Ruth Fields at Granite Hills. He asked to discuss to see if it was feasible, possibly put on the joint meeting with the Schools.
• Mayor Martinez asked for an agenda item looking into putting signs around town directing people to the downtown area—off highways, for visiting families. Come up with some options.
• Mayor Martinez re: lowering City Hall flag to half staff for Sgt. Michael Mitchell on June 11 (if lit) June 13 if not, raised back up on June 14.
• Council Member Stadtherr stated his safety concerns about burning flags on Flag Day.

ADJOURNMENT

At 10:30 p.m. to the meeting of June 15, 2004.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

SEAL

Pedro R. Martinez, Mayor
SUBJECT: BUDGET ADJUSTMENTS FOR THE 2003-04 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: During the course of the fiscal year, additional budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council’s consideration.

RECOMMENDATION: That the Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
# CITY OF PORTERVILLE

**BUDGET ADJUSTMENTS**

<table>
<thead>
<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
<th>REVISED EOI FUND CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>17</td>
<td>To increase the revenue estimate in the General Fund for weed abatement reimbursements collected by the County of Tulare.</td>
<td>Abatement Reimbursmnt</td>
<td>$5,000</td>
<td>$731,217</td>
</tr>
<tr>
<td>General Fund</td>
<td>18</td>
<td>To increase the appropriation in the General Fund to cover the remaining costs in the weed abatement program for the fiscal year.</td>
<td>Abatement Reimbursmnt</td>
<td>$5,000</td>
<td>$726,217</td>
</tr>
<tr>
<td>General Fund</td>
<td>19</td>
<td>To increase the appropriation in the General Fund to allow for the matching General Fund portion of the EEM Grant to complete construction on the Tule River Parkway, Phase II.</td>
<td>Fund Balance</td>
<td>$25,657</td>
<td>$700,560</td>
</tr>
<tr>
<td>General Fund</td>
<td>20</td>
<td>To increase the revenue estimate in the General Fund to account for the receipt of the Fire Act Grant funds received by the Fire Department.</td>
<td>Fire Act Grant</td>
<td>$136,170</td>
<td>$836,730</td>
</tr>
<tr>
<td>General Fund</td>
<td>21</td>
<td>To increase the appropriation in the General Fund to allow for the expenditure of Fire Act Grant proceeds in the Fire Department Budget.</td>
<td>Fire Act Grant</td>
<td>$136,170</td>
<td>$700,560</td>
</tr>
</tbody>
</table>
SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS - TULE RIVER PARKWAY PHASE II

SOURCE:  Public Works Department - Engineering Division

COMMENT:  The Plans and Project Manual have been prepared for the construction of Tule River Parkway, Phase II. The project consists of 3,800 lineal feet of asphalt concrete trail for bicycles and pedestrians, south of the Tule River between Jaye Street and Main Street. The plans also include the installation of trees and an irrigation system. An alternate bid will include the installation of additional trees, if funds are available. The Plans and Project Manual are available for review in the Public Works Department - Engineering Division.

On April 6, 2004, City Council approved the appropriation of $248,138 to finish the Tule River Parkway, Phase II Project, of which $231,055 remains after staff time in design, permit acquisitions and other coordination efforts. Most of the cost for this project will be reimbursed by an Environmental Enhancement and Mitigation Program Grant. Available grant funding is $222,605. These funds are to be spent by June 30, 2005. The City's share of the project cost is 11.47%, which is currently funded by the General Fund.

Due to the escalating cost of construction materials and design changes, staff has revised our consultant’s (HMA Landscape Architecture) Estimate of Probable Cost. The revised Estimate of Probable Cost is $256,712 including contingencies, consultant services and staff time. Therefore, staff is requesting an appropriation of $25,657 for additional costs needed to finalize the plans from the General Fund to cover these escalating construction costs. A spreadsheet of the estimate is attached for reference purposes.

RECOMMENDATION:  That City Council:

1.  Approve the Plans and Project Manual; and

2.  Authorize staff to advertise for bids on the project.

ATTACHMENTS:  Locator Map
                Engineer's Estimate
<table>
<thead>
<tr>
<th>ITEMS</th>
<th>QTY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>Proposed Unit Phase 2</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>L.S</td>
<td>Canopy Structures</td>
<td>L.S</td>
<td>25,000</td>
</tr>
<tr>
<td>2</td>
<td>1.4</td>
<td>Acre</td>
<td>Start-up Demolition, Clear and Grub</td>
<td>13,571</td>
<td>19,000</td>
</tr>
<tr>
<td>3</td>
<td>1.4</td>
<td>Acre</td>
<td>Survey</td>
<td>2,000</td>
<td>2,800</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>set</td>
<td>Bollards - Jardin Detail L-9</td>
<td>2,000</td>
<td>2,000</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>L.S</td>
<td>Project Signage</td>
<td>L.S</td>
<td>2,500</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>L.S</td>
<td>Irrigation</td>
<td>L.S</td>
<td>3,000</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>TON</td>
<td>Root Barriers</td>
<td>42,750</td>
<td>42,750</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>570</td>
<td>Asphalt Paving</td>
<td>4,800</td>
<td>4,800</td>
</tr>
<tr>
<td>9</td>
<td>32</td>
<td>CY</td>
<td>Excavation, Back Filling, Compaction</td>
<td>26,900</td>
<td>26,900</td>
</tr>
<tr>
<td>10</td>
<td>1</td>
<td>TON</td>
<td>Erosion</td>
<td>73</td>
<td>73</td>
</tr>
<tr>
<td>11</td>
<td>1</td>
<td>L.S</td>
<td>Riprap</td>
<td>1,900</td>
<td>1,900</td>
</tr>
<tr>
<td>12</td>
<td>1</td>
<td>TON</td>
<td>Chain link Fence</td>
<td>33,728</td>
<td>33,728</td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>LF</td>
<td>60 Day Maintenance</td>
<td>2,500</td>
<td>2,500</td>
</tr>
<tr>
<td>14</td>
<td></td>
<td></td>
<td>TOTAL BASE BID (100%+5.593+10,000)</td>
<td>205,593</td>
<td>205,593</td>
</tr>
</tbody>
</table>

The Available Fund is $ 222,605

10% For CONSTY CON1.
10% For ENG. Staff
10% For QA/QC Knoph

City Manager

Project Manager

Public Works Director
SUBJECT: ACCEPTANCE OF THE DOWNTOWN PARKING PROJECT - HOCKETT AND DIVISION PARKING LOT, PHASE I

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Central Valley Asphalt has completed construction of the Downtown Parking Project - Hockett and Division Parking Lot, Phase I per plans and specifications. The project consisted of the reconstruction of the Hockett and Division Parking Lot, Phase I and reconstruction of the south roadway, including "V" gutter and catch basin. The project was funded through a Central Valley Infrastructure Grant Program.

City Council authorized expenditures of $197,039.15. Final construction cost is $192,392.90.

Central Valley Asphalt requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the Downtown Parking Project, Hockett and Division Parking Lot, Phase I 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
SUBJECT: ACCEPTANCE OF IMPROVEMENTS - RIVER VIEW ESTATES, PHASE 3 SUBDIVISION (G.W. Home, Inc.)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, G.W. Homes, Inc. (Greg Woodard), has requested that the public improvements constructed for their subdivision be accepted by the City for maintenance. All required improvements have been completed, inspected by City staff, and found acceptable.

The subdivider has a surety on file for a one (1) year maintenance for five percent of the total cost of improvements.

RECOMMENDATION: That City Council:

1. Accept the public improvements of River View Estates, Phase 3 Subdivision for maintenance; and

2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

ATTACHMENT: Locator Map
BEING A SUBDIVISION OF THE REMAINDER OF PARCEL MAP No. 4265 PER MAP RECORDED IN BOOK 43, PAGE 69 OF PARCEL MAPS, SITUATED WITHIN THE NORTHEAST 1/4 SECTION 33, T.21S., R.27E., M.D.B. & M., IN THE CITY OF PORTERVILLE, COUNTY OF TULARE AND STATE OF CALIFORNIA.

LEGEND

⊙ STREET LIGHTS (11 ea.)
△ FIRE HYDRANT

SCALE: 1" = 200'

LOCATION MAP
NOT TO SCALE
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 245-390-008 – REBA R. ROMERI & NENNA RAE KIRSCHNER - HENDERSON AVENUE RECONSTRUCTION PROJECT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Reba R. Romeri & Nenna Rae Kirschner, co-trustees of the Romeri Family Trust, owners of property located at APN No. 245-390-008, have accepted the appraised value of $12,429.00 for the 1,632 square feet of right-of-way needed for the Henderson Avenue Reconstruction project. Included in the appraised value is severance damage in the amount of $10,800 for 160 LF wood and brick fence, 10 mature trees, and miscellaneous flower bed curbing, lawn, and landscaping rocks.

The City recently had the property appraised by Timothy J. Simon, MAI, a Certified General Real Estate Appraiser. The appraisal came in at $12,429.00 for the 1,632 square feet needed for the project. This appraisal is available in the Community Development Department for your review.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Reba R. Romeri & Nenna Rae Kirschner, co-trustees of the Romeri Family Trust, in the amount of $12,429.00, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Grant Deed
3. Resolution

DD_____ APPROPRIATED/FUNDED_____ CM_____ ITEM NO. 6
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

City Clerk
City of Porterville
291 N. Main St.
Porterville, CA 93257

---

GRANT DEED

<table>
<thead>
<tr>
<th>Atlas Sheet</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Street/Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>G3</td>
<td>21</td>
<td>21S</td>
<td>27E</td>
<td>Henderson Ave.</td>
</tr>
</tbody>
</table>

Reba R. Romeri and Nenna Rae Kirschner, Co-Trustees of the Romeri Family Trust dated October 7, 1987

GRANT to the CITY OF PORTERVILLE, a Municipal Corporation, all that real property in the City of Porterville, County of Tulare, State of California, described as:

SEE EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF
The grantor further understands that the present intention of the grantee is to construct and maintain a public street and underground utilities on the lands hereby conveyed in fee and the grantor, for the grantor and the grantor's successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said street.
(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this 17th day of May, 2004

Reba R. Romeri

Nenna Rae Kirschner

STATE OF CALIFORNIA } ss
County of Santa Clara

On this the 17th day of May, 2004, before me, Dianna M. Groff, Notary Public, personally appeared Nenna Rae Kirschner, Name(s) of Signer(s)

— personally known to me
✓ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Dianna M. Groff

(Notary Public's signature in and for said County and State)
State of California
County of Tulare ss.

On 6-7-04, before me, Vickie Schulz, Notary Public, personally appeared Reba R. Romero.

Personally known to me
✓ proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

VICKIE SCHULZ
Commission # 1431940
Notary Public - California
Tulare County

OPTIONAL
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Grant Deed
Document Date: 5-17-04 Number of Pages: 4
Signer(s) Other Than Named Above: Jenna R. Krischner

Capacity(ies) Claimed by Signer
Signer's Name:

☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer is Representing:
EXHIBIT "A"

The North 12.00 feet of Parcel No. 2 of Parcel Map No. 2668, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 27 of Parcel Maps, at Page 69, Tulare County Records.

For the purpose of this real property description, the North line of said Parcel No. 2 is the South line of that 5.00 foot dedication to the County of Tulare recorded in Volume 3776, at page 494, Tulare County Records.

APN: 245-390-008

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Michael K. Reed
Licensed Land Surveyor

Date: 6-8-04
ADDITIONAL RIGHT OF WAY
TO BE ACQUIRED —
1632.00 SQ. FT.

HENDERSON AVE

REBA R. ROMERI AND
NENNA RAE KIRSCHENER
CO-TRUSTEES OF THE
ROMERI FAMILY TRUST
A.P.N. 245-390-008
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED IN FEE FOR PUBLIC STREET AND UNDERGROUND UTILITIES PURPOSES FROM REBA R. ROMERI AND NENNA RAE KIRSCHNER

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Reba R. Romeri and Nenna Rae Kirschner, for public street and underground utility purposes, in the City of Porterville, County of Tulare, State of California, to-wit:

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

BE IT FURTHER RESOLVED that the purchase price of $12,429.00 is hereby approved with the City to open escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The foregoing has been accepted by the City Council for the City of Porterville.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Georgia Hawley, Deputy
EXHIBIT “A”

The North 12.00 feet of Parcel No. 2 of Parcel Map No. 2668, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 27 of Parcel Maps, at Page 69, Tulare County Records.

For the purpose of this real property description, the North line of said Parcel No. 2 is the South line of that 5.00 foot dedication to the County of Tulare recorded in Volume 3776, at page 494, Tulare County Records.

APN: 245-390-008

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Michael K. Reed
Licensed Land Surveyor

Date: 6-8-04
ADDITIONAL RIGHT OF WAY
TO BE ACQUIRED —
1632.00 SQ. FT.

HENDERSON AVE

REBA R. ROMERI AND
NENNA RAE KIRSCHENER
CO-TRUSTEES OF THE
ROMERI FAMILY TRUST
A.P.N. 245-390-008
SUBJECT: AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - REMOVING MOTORCYCLE PARKING AT 30 NORTH MAIN STREET

SOURCE: Public Works Department - Engineering Division

COMMENT: Periodically staff reviews Traffic Resolution No. 10-2001 to make recommendations to City Council for changes that will make the resolution consistent with recent developments.

During the March 19, 2002 City Council meeting, approval was given (M.O. #09-031902) for “Motorcycle Parking Only” within the four (4) middle vehicle parking spaces located directly in front of 30 N. Main Street (Porterville Harley Davidson). The Amendment to Traffic Resolution No. 10-2001 was approved on October 1, 2002.

Recently, Porterville Harley Davidson closed its business, making “Motorcycle Parking Only” unnecessary.

RECOMMENDATION: That City Council approve the proposed amendments to Traffic Resolution No. 10-2001.

ATTACHMENT: Resolution

Y:\Engineering\Council Items\Amendment to Traffic Resolution #10-2001 Removing Motorcycle Parking at 30 North Main Street.wpd
RESOLUTION NO. ___

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

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

WHEREAS, the Traffic Resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the following change be made to Section 23 of Traffic Resolution No. 10-2001:

Section 23. Diagonal Parking Zones. Remove from Section 23 the following:

23-12. Motorcycle parking only on the east side of Main Street replacing the four (4) middle vehicle parking spaces directly in front of 30 North Main Street.

__________________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________
By: Georgia Hawley, Deputy City Clerk
TITLE: STATE DEPARTMENT OF FINANCE - POPULATION AND HOUSING ESTIMATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The Planning Division has received a summary report of Porterville's estimated population and housing data from the State Department of Finance. This State prepared estimate is based on a census data update conducted annually by the Planning Division.

If adopted by the Council and certified by the State, the January 1, 2004 population estimate of 43,150 becomes the basis for distribution of State subvention revenues to the City. The 2003 estimate was 41,945. This is an increase of approximately 2.8%.

The City must now submit a request for certification to the State Controller.

RECOMMENDATION: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville's January 1, 2004 population estimate of 43,150.

ATTACHMENTS:

1. Department of Finance Table dated 2003 and 2004 showing population change.

2. Draft Letter.
<table>
<thead>
<tr>
<th>ATTACHMENT</th>
<th>ITEM</th>
<th>1/2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2: E-5 City/County Population and Housing Estimates, 1/2003
<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Total Housing Units</th>
<th>Single Housing Units</th>
<th>Multiple Housing Units</th>
<th>Total Detached Attatched</th>
<th>2 to 4 Plus Mobile Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare</td>
<td>5,080</td>
<td>186,011</td>
<td>184,387</td>
<td>1,647</td>
<td>2,888</td>
<td>2,888</td>
</tr>
</tbody>
</table>

Table 2: E-5 City/County Population and Housing Estimates, 1/1/2004
June 16, 2004

Department of Finance
Demographic Research Unit
915 “L” Street
Sacramento, CA 95814-3701

To Whom It May Concern:

On May 20, 2004 the City of Porterville received from the State Department of Finance, Porterville’s estimated population and housing data for 2004.

On June 15, 2004, the Porterville City Council adopted Porterville’s new estimated population of 43,150 and authorized transmittal of this correspondence requesting the State Controller to certify Porterville’s January 1, 2004 population as 43,150 by Minute Order No. ____________.

Sincerely,

Pedro R. Martinez, Mayor
REQUEST FOR TWO (2) TEMPORARY MODULAR STRUCTURES FOR THE PORTERVILLE EVANGELICAL FREE CHURCH

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Mr. Tim Hurt, Facilities Coordinator for the Porterville Evangelical Free Church, is requesting permission to install two additional 24'x40' temporary modular structures to be utilized for classrooms to be located at 1091 West Linda Vista Avenue in the C-3 (Heavy Commercial) Zone. The letter of request indicates the Wednesday night youth and children’s programs are continuing to grow. As a result, existing classrooms are reaching maximum capacity.

The church is currently trying to obtain a secondary emergency access to this facility. Once this has been accomplished, plans for a permanent structure will be submitted.

On September 16, 2003, the Porterville City Council approved a Temporary Use Permit for a 60' x 23.8' modular unit for a period not to exceed two (2) years at this location. The proposed modular structures will be located to the east and west of the existing temporary structure. Staff is recommending that all three (3) temporary building approvals be set to expire on the same day.

Section 7-3.3 of the City Code empowers the City Council to conditionally approve temporary structures. Section 7-3.3 also provides the City Council the discretion to determine the type and location of the structure, period of time that the structure will be allowed, and other conditions deemed pertinent by the City Council.

RECOMMENDATION: That the City Council:

1. Adopt the attached resolution and conditions of approval for the temporary modular structures for a period of time not to exceed one (1) year from September 16, 2004.

ATTACHMENTS:

1. Site plan & elevation plan
2. Letter of request
3. Draft Resolution

ITEM NO. 9
April 29, 2004

To whom it may concern:

This letter is response to a request from the Porterville Community Development Department’s Project Review Committee in regard to our need for two (2) temporary modular units. As our mid-week youth and children’s programs are continuing to grow we are consistently running out of classroom space on Wednesday nights as we are reaching maximum capacities for our current classrooms. We are also in need of additional classrooms for our children, youth and adult ministries on Sunday morning during our Sunday School hour. We understand that the units are temporary and have constraints on the amount of time they can be used. We will be well below the daily and weekly restrictions on the temporary units.

The modular units are a short term fix to a long term problem. We are currently trying to obtain a secondary emergency access to our facilities at which time we will be submitting plans for a permanent structure that should alleviate our overcrowding problems.

Respectfully Submitted

Timothy W. Hurt
Facilities Manager
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING TWO (2) TEMPORARY
MODULAR STRUCTURES FOR THE PORTERVILLE EVANGELICAL FREE CHURCH
LOCATED AT 1091 WEST LINDA VISTA AVENUE

WHEREAS: The Porterville City Council, on June 15, 2004, conducted a public
meeting to consider a request to place two (2) temporary modular structures on the south side of the
existing parking lot utilized by the Porterville Evangelical Free Church located at 1091 West Linda
Vista Avenue; and

WHEREAS: The proposed temporary 24' x 40' modular structures are intended to be
utilized for classrooms; and

WHEREAS: The letter of request indicates that Wednesday night youth and children’s
programs are continuing to grow. As a result, existing classrooms are reaching maximum capacity;
and

WHEREAS: The church is currently trying to obtain a secondary emergency access to this
facility. Once this has been accomplished, plans for a permanent structure will be submitted; and

WHEREAS: On September 16, 2003, the Porterville City Council approved a Temporary
Use Permit for a 60' x 23.8' modular unit for a period not to exceed two (2) years at this location. The
proposed modular structures will be located to the east and west of the existing temporary structure;
and

WHEREAS: That the two (2) temporary modular structures shall be allowed for a period
not to exceed one (1) year commencing on September 16, 2004. Any additional time after this date
would require an extension of time to be granted by the City Council; and

WHEREAS: Chapter 7, Section 7-3.3 of the City Code empowers the City Council to
approve temporary structures in conjunction with residential, commercial or industrial development
or in times of stress or emergency; and

WHEREAS: The City Council has thoroughly reviewed and examined the request for
temporary structures;
NOW, THEREFORE, BE IT RESOLVED: By the City Council of the City of Porterville that the request for the two (2) temporary modular structures to be utilized for classrooms located on the south side of the parking lot utilized for the church located at 1091 West Linda Vista Avenue be approved subject to the following conditions:

1. The two (2) temporary modular structures shall be allowed for a period not to exceed one (1) year commencing on September 16, 2004. Any additional time after this date would require an extension of time to be granted by the City Council.

2. The developer/applicant shall install a refuse container enclosure according to City standards. Enclosure location to be approved by City prior to issuance of building permit. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

3. The proposed classroom is considered B occupancy. Upon submittal of a building permit the following will be required:
   a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include three (3) sets of energy calculations and structural calculations.
   b. Compliance with access laws (both State and Federal) is required.
   c. Compliance with all applicable codes is required.
   d. Plan check fees are required at the time of building permit submittal.
   e. Soils compaction test may be required.
   f. School Development fees and all other City fees are due at the time of building permit issuance.
   g. Signs require a separate permit.
   h. Federal and or State listing of coach is required.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By __________________________
Georgia Hawley, Deputy
SUBJECT: FORMATION OF LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 29

SOURCE: Department of Parks and Leisure Services

COMMENT: A condition of new development approval is the creation of a Landscape and Lighting District. The next Landscape and Lighting Maintenance District, No. 29, is River Springs Phase Three Subdivision. Street lighting improvements will be assessed in this district. The assessment is for only the benefit that is above and beyond the general public benefit in the established areas of the City.

The property owner has signed the petition to create Landscape and Lighting District No. 29 which includes an annual adjustment determined by the Consumer Price Index. We have established the San Francisco Consumer Price Index as a base. This means that the City can adjust the rate of assessment to meet costs without additional property owner approval, provided that it does not exceed the amounts permitted by the San Francisco Consumer Price Index. The attached resolutions are necessary to order the Engineer’s Report, which shows the improvements and costs proposed for 2004-2005, and to set the Public Hearing for the Formation of Landscape and Lighting Maintenance District No. 29. Nine street lights will be maintained in the District. Total cost for maintenance is $625.12 or $18.12 per lot each year.

RECOMMENDATION: That the City Council: Approve the following resolutions: 1) A Resolution of the City Council of the City of Porterville, California Instituting Proceedings for the Formation of Landscape and Lighting Maintenance District No. 29, Ordering Preparation of the District Map indicating the proposed District boundary, and Ordering the Preparation of the required report; 2) A Resolution of the City Council of the City of Porterville Giving Preliminary Approval to Engineer’s Report for Landscape and Lighting Maintenance District No. 29; and, 3) A Resolution of the City Council of the City of Porterville, County of Tulare, California, Declaring Its Intention to Order the Formation of Landscape and Lighting Maintenance District No. 29, an Assessment District, declaring the work to be of more local benefit than ordinary public benefit, specifying the exterior boundary of the area to be included in Landscape and Lighting Maintenance District No. 29 and to be assessed the cost and expense thereof, designating formation of Landscape and Lighting Maintenance District No. 29; Determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto.

ATTACHMENTS: 1) Draft Resolution Ordering the Proceedings for Formation;
2) Engineer’s Report;
3) Map;
4) Petition;
5) Draft Resolution Giving Preliminary Approval to the Engineers Report; and

ITEM NO.: 10
RESOLUTION NO.______


WHEREAS, it has been determined by the City Council of the City of Porterville, California that the public interest, convenience and necessity require installation of landscaping, lighting and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the operation and maintenance of landscaping and lighting for River Springs Phase Three Subdivision located on Date Avenue, River Springs Drive and Atkins Court.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Porterville does hereby make the following findings:

1. That the public interest, convenience and necessity require the formation of a Landscape and Lighting Maintenance District for the purpose of installing, constructing and maintaining lighting facilities authorized by Section 22525 of the Streets and Highways Code, State of California, in Landscaping and Lighting Maintenance District No. 29.

2. That the area identified on the annexation map be defined as Landscape Maintenance District No. 29.

3. That the properties to be specifically charged for maintenance of lighting shall be the area within the boundary of the proposed district and shall be so indicated on the maps and shall be known as Landscape and Lighting Maintenance District No. 29.

4. That the proceedings are to be conducted for the said district pursuant to provisions of

5. That the costs of maintaining the lighting facilities along certain streets in Landscape and Lighting Maintenance District No. 29 shall be borne by the property owners within the district, said costs to be assessed according to the said Landscaping and Lighting Act of 1972.

6. That the City Engineer is hereby ordered to prepare a report in accordance with Article 4 of said Landscaping and Lighting Act.

APPROVED AND ADOPTED THIS 15th day of June, 2004.

__________________________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By:_______________________________________
    Georgia Hawley, Deputy
SECTION 1. **Authority for report**

This report is prepared by order of the City Council of the City of Porterville Resolution No.________. The report is in compliance with the requirement of Article 4, Chapter 1, Division 15 of the Streets and Highways Code, State of California (Landscaping and Lighting Act of 1972).

Section 2. **General Description**

The City Council has elected to include lighting at River Springs Phase Three Subdivision into Landscape and Lighting Maintenance District No. 29. The City Council has determined that the areas to be lighted will have an effect upon all parcels within the proposed boundaries of the District. The District includes lighting on Date Avenue, River Springs Drive and Atkins Court as part of the subdivision. Proposed areas for lighting are on both sides of the streets located within the subdivision.

Section 3. **Plans and specifications**

The plans and specifications for lighting were prepared by the developer and will be in conformance with the requirements of the City of Porterville. All lights to be maintained will be shown on the subdivision improvement plans in roadway rights-of-way, or easements to be granted to the City of Porterville. There are a total of 9 street lights to be maintained.

Maintenance activities within the Landscape and Lighting Maintenance District No. 29 are to include lighting maintenance.

Section 4. **Improvements**

Lighting improvements were made by the developer of River Springs Phase Three subdivision.
Section 5. Estimated Costs

The construction cost is to be borne by the developer and will not be assessed. The subdivision map has been filed for record and it is intended that the improvements will be constructed during 2003-2004 and certain lighting cost will be incurred during fiscal year 2004-2005. It is appropriate that assessments be made in advance of the anticipated expenditure to provide working capital for the maintenance effort. District 29 assessments during the 2004-2005 fiscal year are as follows:

**Estimated Assessment 2004-2005**

**Electricity/Lighting***

9 fixtures, 5,800 lumens @ $30.21 per year $ 271.89

**Project/Management Costs**

36 lots @ $8.20 per lot $ 295.20
Sub-Total $ 567.09

**Incidental Expenses**

15% Reserve Fund $ 85.06
Total 2004-2005 $ 652.15

*Lighting costs are based on 29% of total cost because lights are spaced closer together resulting in 40% more lighting than the City standard outside maintenance districts.

After the 2004-2005 fiscal year, the assessments shall be increased with the cost of service. The increased cost of services shall be the lessor of the actual prior years cost or the prior years estimated cost adjusted according to the annualized Consumer Price Index rate. The Consumer Price Index is based on the San Francisco Model and any increase for the year 2004/2005 will refer back to the prior year’s CPI. In the event that the costs of services provided do not exceed the full amount
of CPI from one year, such excess CPI percentage shall be carried over from year to year and may be utilized to increase the amount of assessment in future years.

Section 6. **Assessment Diagram**

A copy of the proposed assessment diagram entitled “Landscape and Lighting District No. 29” is attached to this report and by reference is made a part thereof.

Section 7. **Assessment**

The initial cost of constructing improvements is to be borne by the developer. The improvement areas are being established for the benefit of all properties within proposed Landscape and Lighting Maintenance District No. 29. The establishment and maintenance of the improvements is a vital part of the development of River Springs Phase Three Subdivision. The City Council of the City of Porterville has determined that to insure satisfactory levels of street lighting at River Springs Phase Three Subdivision, it should become Landscape and Lighting Maintenance District No. 29. The lighting includes 9 street lights.

Landscape and Lighting Maintenance District No. 29 will consist of an area comprising approximately 7.3 acres. A total of 36 lots are proposed to be developed in River Springs Phase Three Subdivision. The improvements will consist of those improvements described in Section 4 of this report. The maintenance of the improvements is a vital part of the development for protection of safety, economic and humanistic values. The City Council has determined that, for the preservation of values incorporated within this development, all lots will receive equal benefit from the street lighting.

The determination of benefit takes into consideration the following facts:

1. The purpose of the improvements is to provide a favorable aesthetic appearance of the area.
2. Properly maintained landscaping and lighting benefits all properties in the development.
3. The lots not adjacent to the landscaping and lighting facility improvements benefit from the maintenance equally to those lots adjacent to the improvements.

**Estimated 2004-2005 Assessment**

Assessment (A) = \( \frac{\text{Cost (C)}}{\text{Number of Lots (L)}} \)

\[ A = \frac{\$652.15}{36} = \$18.12 \] lot for River Springs Phase Three Subdivision

Total Assessments for 2004-2005 = \$652.32
Total developed lot count will be 36 lots

Section 8. **Order of Events**


2. City Council Adopts Resolution of Preliminary Approval of Engineer’s Report.

3. City Council Adopts Resolution of Intention to Order the Formation of Landscape and Lighting Maintenance District No. 29 and determines the district.

4. City Council conducts public hearing, considers all testimony and determines to Order the Formation of Landscape and Lighting Maintenance District No. 29, or abandon the proceedings.

5. Every year in June, the Engineer of Work files a report with the City Council.

6. Every year in June, the City Council conducts a public hearing and approves, or modifies and approves the individual assessments.

Michael K. Reed, City Engineer
Landscape & Lighting District No.
Legal Description

That portion of Parcel 4 of Parcel Map No. 2471 in the City of Porterville, County of Tulare, State of California, per map recorded in Book 25, page 72 of Parcel Maps in the Office of the County Recorder, described as follows:

Beginning at the Northeast corner of Lot 83 of River Springs, Phase Two per map recorded in Book 38, page 83 of Maps in the Office of the County Recorder of said County;

Thence, South 89°46'02" East, 579.02 feet along the North line of the Southwest quarter of Section 34, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

Thence, South 44°42'50" West, 490.61 feet to the beginning of a 225.73 foot radius non-tangent curve, concave to the Northwest, a radial to said beginning bears South 86°10'09" East;

Thence, Southwesterly, along said curve, through a central angle of 54°09'14" an arc distance of 213.36 feet, to the beginning of a 2000.00 foot radius compound curve, concave to the Northwest, a radial to said beginning bears South 32°00'55" East;

Thence, Southwesterly, along said curve, through a central angle of 10°02'07" an arc distance of 350.30 feet, to the beginning of a 525.00 foot radius compound curve, concave to the North, a radial to said beginning bears South 21°58'48" East;

Thence, Westerly, along said curve, through a central angle of 04°07'51" an arc distance of 37.85 feet;

Thence, tangent to said curve, South 72°09'03" West, 35.31 feet;

Thence, North 17°50'57" West, 50.00 feet to the Southeast corner of Lot 66 of said River Springs, Phase Two;

Thence, North 22°53'57" West, 238.76 feet to the Southeast corner of Lot 70 of said River Springs, Phase Two;

Thence, North 00°06'41" East, 177.57 feet to the Southwest corner of Lot 75 of said River Springs, Phase Two;

Thence, North 82°11'12" East, 151.45 feet to the Southwest corner of Lot 78 of said River Springs, Phase Two;

Thence, South 89°46'02" East, 250.00 feet to the Southeast corner of Lot 82 of said River Springs, Phase Two;
Thence, North 00°06'41" East, 95.00 feet to the Northeast corner of said Lot 82;
Thence, North 38°30'09" West, 64.10 feet to the Southeast corner of said Lot 83;
Thence, North 00°06'41" East, 100.00 feet to the point of beginning.
CITY OF PORTERVILLE

PETITION FOR CREATION OF LANDSCAPE & LIGHTING ACT

ASSESSMENT DISTRICT NO. __________ ANNEXATION NO. __________

1. Name of Subdivision: RIVER SPRINGS, PHASE 3
2. Name of Applicant: GW HOMES, INC. Phone: 559.784.6277
3. Address of Applicant: PO BOX 950 PORTERVILLE, CA 93258
4. Name of Developer: GW HOMES, INC. Name of Landowner: GW HOMES, INC.
5. Applicant is the ___ Agent of the property owner ___ Owner of property
6. Location of property ___ EAST SIDE BEVERLY at DATE AVENUE
7. Legal description of property ___ PORTION OF THE NORTHEAST 1/4 OF SOUTHWEST 1/4 OF
   SECTION 34-21/27
8. PLANS: Attach 2 copies of completed Annexation Map, Landscape and Lighting Plans. Plans shall
   include all details of irrigation, quantities and types of sod, shrub area, ground cover, trees, lighting, wall
   structures and any other appurtenances that may pertain to the maintenance of the area in accordance
   with Ordinance No. 1483. The Landscape plans must be prepared by a Registered Engineer, Architect or
   Landscape Architect.
9. A fee of $375.00 is required at the time of submittal of the Landscape and Lighting Plans by the
   Applicant.
10. STATEMENT: The undersigned are the owners of the land described as follows:

    RIVER SPRINGS, PHASE 3

    (Subdivision Name, etc.)

1. We, the undersigned landowners, do hereby petition the City Council of the City of Porterville, to
   create an assessment district for the purpose of maintaining the landscape and lighting in the public
   Right-of-Way or other such areas as may be defined herein, that benefit our subdivision. The
   landscape and lighting areas are a direct benefit to the property owner in the subdivision and enhance
   the appearance of the development.

   These areas are indicated by the “Landscape and Lighting Plan” and “Final Subdivision Map” attached
   hereto, and by this reference made a part hereof and identified as Exhibit “A”. It is our understanding
   that each property will be assessed for the cost of said maintenance.

   Common Costs: The costs of landscape and lighting maintenance will be borne in common by all
   property owners within the proposed district. Each property’s share will be divided equally. The
   annual adjustment to the Consumer Price Index will be included in this district; therefore, this cost
   may fluctuate. The assessment will be placed on the property tax roll to be paid annually.

2. The undersigned understands that public hearing will take place not less than 45 days from the date
   indicated below as required by Proposition 218.

   Date: 3/20/04
   Developer: [Signature]

   Date: __________
   Landowner: [Signature]
RESOLUTION NO. 

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, GIVING PRELIMINARY APPROVAL TO ENGINEER'S REPORT FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 29

WHEREAS, on the 15th day of June, 2004, Porterville City Council did adopt Resolution No. _______ directing City Engineer to make and file with the Porterville City Clerk a report in writing as required by the Landscaping and Lighting Act of 1972;

WHEREAS, the City Engineer has made and filed with the Porterville City Clerk a report in writing pursuant to said act which report has been presented to this Council for consideration;

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that said report is sufficient without modification;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Porterville does hereby make the following findings:

1. That the Engineer's estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby preliminarily approved and confirmed;

2. That the diagram showing the assessment district referred to and described in said report, the boundaries of the subdivision of land within said assessment district is hereby preliminarily approved and confirmed;

3. That the proposed assessment showing the River Springs Phase Three Subdivision land in said assessment district in proportion to the estimated benefit to be received from said work and of the incidental expenses thereof, as contained in said report, is hereby preliminarily approved and
confirmed;

4. That said report shall stand as the Engineer’s report for the purpose of all subsequent proceedings pursuant to the proposed district.

APPROVED AND ADOPTED this 15th day of June, 2004.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By: ____________________________
Georgia Hawley, Deputy
RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 29, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE LOCAL THAN ORDINARY PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARY OF THE AREA TO BE INCLUDED IN LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 29 AND TO BE ASSESSED THE COST AND EXPENSE THEREOF, DESIGNATING SAID LANDSCAPE AND LIGHTING DISTRICT NO. 29; DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

The City Council of the City of Porterville, pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

DESCRIPTION OF WORK

SECTION 1. That the public interest and convenience requires and it is the intention of the City Council of the City of Porterville, California, to order the following work be done, to wit:

1. Installation, construction, maintenance and servicing of facilities, lighting and landscaping as authorized by Section 22525 of the Streets and Highways Code.

2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof.

LOCATION OF WORK

SECTION 2. The foregoing described work is to be located within the interior and exterior streets, more particularly described on a map which is on file in the City Clerk's office, entitled “Landscape & Lighting Maintenance District No. 29.”
DESCRIPTION OF ASSESSMENT DISTRICT

SECTION 3. That the contemplated work, in the opinion of said City Council, is of more local than ordinary public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is assessed to pay the costs and expenses thereof, and which district is described as follows:

Reference is hereby made to said map for further, full and more particular description of said assessment district, and the said map so on file shall govern for all details as to the extent of said district.

REPORT OF ENGINEER

SECTION 4. The City Council of said City by Resolution No. _______ has approved the report of the Engineer of Work which report indicates the amount of the proposed assessment, the district boundary, assessment zones, detailed description of improvements and the method of assessment. The report titled "Engineer's Report for Landscape and Lighting Maintenance District No. 29" is on file in the office of the City Clerk of said City. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work.

COLLECTION OF ASSESSMENTS

SECTION 5. The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City Council of said City and said Council will annually conduct a hearing upon said report at their first regular meeting in June, at which time assessments for the next fiscal year will be determined.
SUBJECT: LEGAL SERVICES AGREEMENT- CITY ATTORNEY

SOURCE: City Attorney

COMMENT: Attached is the proposed Legal Services Agreement between the City of Porterville and McCormick, Kabot, Jenner, Hurlbutt & Lew, and Julia M. Lew. The Agreement provides for an hourly fee for legal services by attorneys, and is for the period of July 1, 2004 to June 30, 2006. The hourly rate for services by law clerks and paralegals, the expense reimbursement provisions, and the provisions requiring that Ms. Lew not permanently leave her post as City Attorney have not changed from the current Agreement. The only change from the previous contract is a term specifying that the law firm will categorize their billings by City department and/or project pursuant to the City Manager's direction.

RECOMMENDATION: That the City Council:

1. Approve the Legal Services Agreement; and

2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

2. Draft Legal Services Agreement

Item No. 11
June 9, 2004

[VIA FACSIMILE: (661) 362-4008]

Mayor and City Council of the
City of Porterville
Attn: City Manager
291 North Main Street
Porterville, California 93257

Re: Proposed Contract for Services -- City Attorney

I am pleased to present the enclosed proposed Contract for City Attorney Services. The proposed contract provides for an hourly fee for legal services by attorneys and is for a period of two years. The hourly rate for services by law clerks and paralegals, the expense reimbursement provisions, and the provisions requiring that I not permanently leave my post as City Attorney have not changed. The only other deviation from the prior contract is a term specifying that the firm will categorize the billings by department and/or project pursuant to the City Manager's direction.

If you have any questions or require any additional information, please feel free to contact me.

Thank you for your consideration.

Very truly yours,

Julia M. Lew

JML:img
Enclosure
LEGAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into as of the 1st day of July, 2004, by and between the CITY OF PORTERVILLE, a municipal corporation, hereinafter referred to as CITY, and McCORMICK, KABOT, JENNER, HURLBUTT, & LEW, a professional law corporation, and S. L. KABOT, hereinafter referred to as ATTORNEYS, and based upon the exchange of mutual promises hereinafter contained, the parties agree as follows:

1. The CITY hereby hires JULIA M. LEW as its City Attorney, to serve as such municipal officer at the pleasure of the City Council of the City of Porterville. The compensation to be paid JULIA M. LEW for her services as City Attorney shall be included in and made a part of the compensation arrangement herein provided for as it relates to other legal services to performed for and on behalf of the CITY:

2. The CITY hereby hires McCORMICK, KABOT, JENNER, HURLBUTT & LEW, a professional law corporation, to do and perform legal services for and on behalf of the CITY, together with such legal services as may be required of the City Attorney for the City of Porterville.

3. This Agreement may be terminated by either party upon thirty (30) days written notice to the other. The term of this Agreement shall begin on July 1, 2004, and extend through June 30, 2006. Furthermore, this 2004 Agreement shall terminate should JULIA M. LEW permanently leave the firm or her position as City Attorney.

4. CITY shall pay ATTORNEYS the sum of ONE HUNDRED THIRTY DOLLARS ($130.00) per hour, and shall pay the sum of SIXTY FIVE DOLLARS ($65.00) per hour for law clerks and/or paralegals for each hour of services, in one quarter hour increments. ATTORNEYS shall bill CITY monthly for their services rendered in the CITY’s behalf during the prior month.
ATTORNEYS shall categorize the billings by City department and/or projects, as specified by the City Manager.

5. The services to be provided by the ATTORNEYS for the CITY shall include all legal services rendered at the request of the CITY, to include but not be limited to the following:Appearances at all necessary staff meetings, board or commission meetings; conferences with any staff member who might call for assistance; drafting of ordinances, leases, contracts, and other normal and customary legal documents; attendance at City Council meetings; attendance at other meetings in which the CITY has a vital interest; litigation which requires representation of the CITY, City officers or City Council persons in any trial or Appellate Court; representation of the CITY’s interest in connection with eminent domain and condemnation proceedings; representation of the CITY’s interest at necessary public hearings, meetings and legislative meetings conducted outside of the CITY limits of the City of Porterville; representation of the CITY’s interest with regard to labor relations; labor negotiations (if requested) or labor litigation; prosecution of violations of the City Code of the City of Porterville; representation in personnel matters in any administrative hearing procedure and/or litigation; representation of the CITY in all Pitchess motions before trial court; and other legal services not described above.

6. By specifying the areas of representation in the immediately preceding paragraph, it is not the intention of the parties to preclude the CITY from hiring or engaging other attorneys to act on its behalf in any area of concern to CITY.

7. The ATTORNEYS shall provide all reasonable and necessary facilities, equipment, books, supplies, stenographic and secretarial services, insurance policies and other property or services necessary to carry out and provide the required legal services pursuant to this Agreement.

8. It is understood that this Agreement provides for the services by the ATTORNEYS
as the City Attorney for the City of Porterville on a contractual basis and not upon an employer/employee basis.

9. From time to time, the individual named in this Agreement as the City Attorney may designate other attorneys within the Law Firm to act in his place or stead in matters relating to affairs of the CITY.

10. The CITY agrees to reimburse the ATTORNEYS for any and all out-of-pocket expenses incurred on behalf of the CITY, including but not limited to, court reporter fees and charges, title company fees and charges, court costs, costs of outside investigators or experts pertaining to CITY litigations, telephone expenses, meals and lodging, travel expenses (outside the corporate limits of the County of Tulare) and membership fees in the League of California Cities Municipal Attorney’s Section. Use of personal automobiles shall be reimbursed at the rate permitted under the US Internal Revenue Code. Copying charges shall be at the rate of Twenty Cents (.20¢) per page and it is expressly understood that said charges shall be kept to an absolute minimum and that CITY facilities shall be utilized for such services whenever possible. All such costs and expenses to be reimbursed by CITY shall be billed from time to time and paid by CITY in due course after receipt of billing.

11. It is further understood that in the interest of the City of Porterville the City Attorney and members of the appointed law firm shall keep abreast of rapidly changing developments of municipal law and the City Attorney will be expected to attend appropriate conferences of the League of California Cities, and such other courses and seminars on municipal law as may be mutually deemed necessary to maintain current proficiency. The City Attorney shall be reimbursed for reasonable out-of-pocket expenses for travel, lodging and incidental expenses in connection with attendance at such conferences, courses and seminars. The City Attorney will be expected to attend at least one of the above referenced conferences, courses or seminars without being
reimbursed on an hourly basis as provided for in this Agreement.

12. The City Attorney and law firm shall not accept private cases or clients which will or in the reasonable exercise of their judgment may, in the future, create conflicts of interest between the CITY and such clients or cases and shall not be involved in legal matters which, by reason of this Agreement, violate any state law or court holding.

13. The City Council shall annually meet, in closed session, with the City Attorney, to review the performance of the services provided under this Agreement. Said review shall occur on or before the first Council meeting in the month of June of each year.

The Agreement is entered into as of the date first mentioned above.

CITY OF PORTERVILLE
A Municipal Corporation

BY_______________________________

McCORMICK, KABOT, JENNER, HURLBUTT & LEW
A Professional Law Corporation

BY_______________________________

JULIA M. LEW

BY_______________________________

Attorney
ATTORNEYS shall categorize the billings by City department and/or projects, as specified by the City Manager.

5. The services to be provided by the ATTORNEYS for the CITY shall include all legal services rendered at the request of the CITY, to include but not be limited to the following:Appearances at all necessary staff meetings, board or commission meetings; conferences with any staff member who might call for assistance; drafting of ordinances, leases, contracts, and other normal and customary legal documents; attendance at City Council meetings; attendance at other meetings in which the CITY has a vital interest; litigation which requires representation of the CITY, City officers or City Council persons in any trial or Appellate Court; representation of the CITY’s interest in connection with eminent domain and condemnation proceedings; representation of the CITY’s interest at necessary public hearings, meetings and legislative meetings conducted outside of the CITY limits of the City of Porterville; representation of the CITY’s interest with regard to labor relations; labor negotiations (if requested) or labor litigation; prosecution of violations of the City Code of the City of Porterville; representation in personnel matters in any administrative hearing procedure and/or litigation; representation of the CITY in all Pitchess motions before trial court; and other legal services not described above.

6. By specifying the areas of representation in the immediately preceding paragraph, it is not the intention of the parties to preclude the CITY from hiring or engaging other attorneys to act on its behalf in any area of concern to CITY.

7. The ATTORNEYS shall provide all reasonable and necessary facilities, equipment, books, supplies, stenographic and secretarial services, insurance policies and other property or services necessary to carry out and provide the required legal services pursuant to this Agreement.
8. It is understood that this Agreement provides for the services by the ATTORNEYS as the City Attorney for the City of Porterville on a contractual basis and not upon an employer/employee basis.

9. From time to time, the individual named in this Agreement as the City Attorney may designate other attorneys within the Law Firm to act in his place or stead in matters relating to affairs of the CITY.

10. The CITY agrees to reimburse the ATTORNEYS for any and all out-of-pocket expenses incurred on behalf of the CITY, including but not limited to, court reporter fees and charges, title company fees and charges, court costs, costs of outside investigators or experts pertaining to CITY litigations, telephone expenses, meals and lodging, travel expenses (outside the corporate limits of the County of Tulare) and membership fees in the League of California Cities Municipal Attorney’s Section. Use of personal automobiles shall be reimbursed at the rate permitted under the US Internal Revenue Code. Copying charges shall be at the rate of Twenty Cents (.20¢) per page and it is expressly understood that said charges shall be kept to an absolute minimum and that CITY facilities shall be utilized for such services whenever possible. All such costs and expenses to be reimbursed by CITY shall be billed from time to time and paid by CITY in due course after receipt of billing.

11. It is further understood that in the interest of the City of Porterville the City Attorney and members of the appointed law firm shall keep abreast of rapidly changing developments of municipal law and the City Attorney will be expected to attend appropriate conferences of the League of California Cities, and such other courses and seminars on municipal law as may be mutually deemed necessary to maintain current proficiency. The City Attorney shall be reimbursed for reasonable out-of-pocket expenses for travel, lodging and incidental expenses in connection
with attendance at such conferences, courses and seminars. The City Attorney will be expected to attend at least on of the above referenced conferences, courses or seminars without being reimbursed on an hourly basis ans provided for in this Agreement.

12. The City Attorney and law firm shall not accept private cases or clients which will or in the reasonable exercise of their judgment may, in the future, create conflicts of interest between the CITY and such clients or cases and shall not be involved in legal matters which, by reason of this Agreement, violate any state law or court holding.

13. The City Council shall annually meet, in closed session, with the City Attorney, to review the performance of the services provided under this Agreement. Said review shall occur on or before the first Council meeting in the month of June of each year.

The Agreement is entered into as of the date first mentioned above.

CITY OF PORTERVILLE
A Municipal Corporation

BY______________________________

McCORMICK, KABOT, JENNER, HURLBUTT & LEW
A Professional Law Corporation

BY______________________________

JULIA M. LEW

BY______________________________
Attorney
COUNCIL AGENDA:  JUNE 15, 2004

PUBLIC HEARING

SUBJECT:  BUDGET ADOPTION FOR THE 2004-05 FISCAL YEAR

SOURCE:  Administrative Services

COMMENT:  On May 25, 2004, the City Council conducted a study session to review the proposed 2004-05 budget. At the study session, staff presented the budget message which is attached to this report. The budget message contained specific information regarding the assumptions upon which the document was created.

The message identified the revenue changes as a result of State action and the impact of the “triple-flip” reduction in Sales Tax and restoration of a portion of ERAF Property Taxes. The other major revenue component addressed in the budget message is the anticipated impact of the proposed ballot measure that will appear on the November 2004 ballot. These assumptions were carried into the document and can be seen on the General Fund Summary page in the creation of an additional two year perspective, showing the possible impact through the fiscal year 2006-07. This extended view of the budget highlights the fact that the General Fund will be deficit spending for the next two fiscal years, however; spending will not reduce lock box reserves established by the City Council.

After some discussion regarding the assumptions upon which the document was created, staff began a review of each fund in the document. Additional discussion took place regarding the temporary suspension of contributing to the Equipment Replacement Fund by General Fund operations. Council recognized that this practice could not be suspended indefinitely without serious impacts on the General Fund’s ability to replace equipment in future the future, and as such, budget development for the 2005-06 fiscal year will include the restoration of at least 50% funding for equipment replacement.

Also discussed in the study session was the continuation of the hiring freeze and travel restrictions. Staff is recommending that the freeze and travel restrictions remain in place until reviewed by the City Council in January 2005. In this regard, staff is proposing to shift the status of one grant funded limited-term Literacy Program employee currently working

Item No. 12
through a temporary agency to limited-term part-time status as a City employee. This shift would save the cost of the premium paid to the temporary agency, and allow the grant funds to last longer, extending the life of the program.

In other recent developments with budgetary impact, the City received a grant slightly in excess of $100,000 from Indian Gaming monies. A proposal will be presented at the next meeting regarding the use of these monies. Components of the proposal will modify the allocation of re-use monies from the City Manager’s vehicle account.

At the study session, Council directed staff to notice this date as a Public Hearing at which time public comment could be received.

RECOMMENDATION: (1) That the Council conduct a public hearing to receive comment on the proposed 2004-05 fiscal year budgets for both the General Fund and Enterprise and Internal Service Funds.

(2) That Council approve the attached resolution adopting the 2004-05 fiscal year budgets, as modified by the City Council.

(3) That Council approve the shifting of one temporary agency employee to a limited-term part-time City employee in the Literacy program to maximize the grant proceeds available.

ATTACHMENTS: Budget Message
Budget Resolutions
Budget Graph
Budget Study Session Minutes of May 25, 2004
June 15, 2004

Honorable Mayor and Council Members

Submitted herewith is the 2004/05 FY budget. It includes revenue estimates and spending recommendations for the General Fund, Enterprise Funds, Internal Service Funds, and Other Activities of the City.

**Budget Parameters:**

The Overall Level of Expenditures for All Funds is recommended to be: $61,971,643

The Overall Level of Expenditures for the General Fund is recommended to be: $19,315,711

**Budget Approach:** It is recommended that the approach for the General Fund Budget involve:

- A three year Strategic Budget Plan
- A one year Budget
- November, January and April reviews of Budget Targets
- Revision to Expenditures When Necessary to Accomplish Targets

**General Fund Targets:** It is recommended that the General Fund Targets be achieved within + or - 5%.

Specific General Fund Targets which are recommended are:

- General Fund Revenues and Transfers: $18,101,490
- General Fund Expenditures and Transfers: $19,315,711
- General Fund Cash Deficit for 04/05 FY of: $-1,214,221
- General Fund Structural Deficit for 04/05 FY: $445,500
- Planned General Fund Cash Deficit for 05/06 FY of: $-718,864
- Planned General Fund Structural Surplus for 06/07 FY of: $312,807

**General Fund Deficit:** The proposed General Fund Deficit for the 04/05 FY is equivalent to approximately 2.7% of anticipated General Fund Revenues. The actual cash loss does not jeopardize the City’s “Lock Box” in which $1,500,000 will be maintained as the primary “Rainy Day” Reserve. The cash balances proposed for expenditure during the coming two years are primarily Carry-Over amounts allocated to Departments based upon Departmental savings over three fiscal years. The Carry-Over amounts will be maintained, but will not be funded with cash.

**Budgetary Objectives:** The Budget is presented to address the following objectives:

- Establish and Maintain Full Public Safety Staffing
- Maintain a General Continuity of City Services
- For Health Care, Balance Costs to Budgeted Support and Employee Contributions
- Undertake During the Fiscal Year, the Update of the City’s Land Use and Circulation Elements
- Complete Priority Projects scheduled by the City Council on the schedule which has been approved by the City Council
- Undertake during the Fiscal Year, the Update and Redevelopment of City Service Charges
- Implement Savings Consistent with Those Approved by The Council in January, 2004
- Modify the City’s Budget to A Drastically Revised Array of State Revenues and Property Taxes
- Absorb approximately $425,000 in direct loss to State Government for each of The Next Two Years
- Within a Three Year Planning Period (by FY 06/07), establish a General Fund Budget balanced structurally and with cash, based upon a revised allocation of taxes and resources

**Risk:** The major element of **RISK** in the Budget is that the State’s revised allocation of resources will work as projected. There could be small to large changes from our expectation in this regard. It will be difficult to define our status until January, when the initial allocation of property tax has been received, and after the People have voted on the League’s State Proposition and any future Statewide measure which may be developed by the Governor and Legislature. Over the next few months, the State Legislature will review the Governor’s proposal. Any eventual settlement which is not consistent with the League’s agreement with the Governor also constitutes Risk.

In addition, Risk is involved regarding the assumption that development will continue in Porterville at a consistent pace. Fees and assessments are linked to this assumption. If building
activity is curtailed, City costs normally are not correspondingly reduced. The primary risk from this assumption is that interest rates may increase over the year and may reduce home ownership possibilities. To guard against a potential reduction in traffic and park impact fees, which cover a portion of the cost of City General Fund indebtedness, the City Manager recommends that a special contingency allocation of General Fund monies in the amount of $458,721 be established. The fund would be reflected in the General Fund as a Reservation of Fund Balance and would be used if estimated proceeds from traffic and park impact fees are not achieved.

**Revenue Sources:** Beyond the modification of property tax, sales tax and vehicle in lieu fee amounts as a result of State action, other General Fund revenue sources are estimated to have moderate growth. Property tax is estimated to grow within the 3% range, sales tax about 1.85%, fines and fees at about the prior year level. An increase in weed abatement fees is shown, but this is a “revolving” account where revenues equal expenditures.

**Allocations to General Fund Formula Amounts:** The normal practice to define expenditure levels for the City of Porterville within the General Fund is the application of a formula. The formula amount is equivalent to 75% of the change in the CPI and population for the year. This allocation was suspended for the 03/04 FY Budget and has been suspended again for the 04/05 FY Budget. The amount of expenditure for Departments was, however, modified to accommodate specific costs above the base, including employee compensation agreements and resolutions which will apply during the 04/05 Fiscal Year; additional formula PERS costs of approximately $625,000, the amount of curtailment defined in the overall $160,000 reduction to spending; and, an exchange of allocations between Departments to prevent layoffs in standard General Fund service categories.

**Staffing:** The City has been in a General Fund hiring freeze for quite some time. The Budget contemplates continuing that freeze and the restriction on travel which has been in effect.

**Departmental General Fund Budget and Service Review Statements:** Departments have reviewed expenditures and service levels closely. The departmental review reflects the following modifications:

- **Legislative:** The level of expenditure for the department is maintained with a reduction in travel consistent with the City Council’s direction.

- **Administrative:** The level of expenditure for the department is maintained with no service reductions defined. The expenditure level for travel is reduced by about 50%. Within the City Clerk Department, a Deputy City Clerk is fully funded.

- **Finance:** The level of expenditure in the department has been reduced by $20,000 that would have been used to provide computer hardware and software support at prior-year levels. The appropriation from a vacant Clerical Assistant position has been transferred to Community Development to ensure no layoff would take place. The loss of this previously frozen position will result in occasional slowdowns in the delivery of some projects and reports.
**City Attorney:** The level of expenditure is increased somewhat to reflect the level of activity and use of the City Attorney by the Council and staff. This budget does reflect an increase in the number of legal challenges brought against the City in recent years.

**Police Services:** Service levels will remain similar for the Police Department with the following exceptions: By the January 2004 action, participation in the Thunderbolt Program was conceptually eliminated. The Chief has asked for reconsideration of this and would like to substitute an equivalent $30,000 savings in the animal control agreement. The City Manager supports the substitution, provided the savings in animal control are achieved prior to continuing the Thunderbolt Program. Also, during this budget year, no contributions will be made to the Equipment Replacement Fund for fleet replacement. In addition, the following modifications are proposed for implementation during the 2004/05 FY:

- **Discontinue response and investigation of traffic collisions** where there are no injuries to any of the parties. The Department would respond if there was a criminal act related to the collision beyond the infraction which caused it.

- **Discontinue pigeon control within the community.** The project is now focused in the Downtown area.

- **Limit the fingerprinting of persons from the community for volunteer, government, and other sensitive positions that require criminal background checks.** Porterville residents will probably be required to travel to Visalia for the service.

**Fire Services:** The 2004/05 FY Fire Department budget will staff the Department at the level authorized by the Council in 1992. There are, however, two differences in the budget document. To operate within departmental budgetary allocations, a Captain’s position will be under-filled with a Lieutenant and two Fire Engineer positions will be under-filled with Firefighters. Also, there will be no financial deposits made to the Equipment Replacement Fund. The department is constrained because staff levels established to address 905 calls in 1992 met 2,742 calls in 2003. Adjustment in services has been accomplished by reducing public education efforts. More than 90% of the public education program established in 1987 has been reduced. Fire inspections are now made every three years rather than every year. Those facilities required to be inspected annually by Law continue to be inspected annually. Also, the Fire Department cannot achieve the OSHA 2 in-2 out mandate within an acceptable time frame or achieve the NFPA’s minimum standard for response to structural fires as outlined in NFPA 1710. This inability to achieve compliance with OSHA may lead to a reduction in the City’s ISO rating, which in turn may cause fire insurance rates to increase.

**Community Development:** It is expected service levels during the 2004/05 FY will be heavily influenced by undertaking the update of the General Plan and potentially the processing of major development along the South Jaye Street Corridor. The inability of the Redevelopment Agency to cover staffing costs from increment has been absorbed within the General Fund and Community Development Block Grant Fund. This, of course, places pressure on these sources, and curtails increased staffing levels to meet departmental requirements. In an effort to continue
streamlining processes, and to address the challenging issues facing the City, staff has identified two sources of one-time money that can be allocated to projects. The availability of the money is contingent upon shifting from fleet vehicles for department directors to vehicle allowances. The first source consisting of approximately $20,000 is available from vehicle replacement funds in the City Manager’s account. This pool of money is proposed to be utilized for a grant writer for various grants including the feasibility study and technical assistance grant from the United States Economic Development Administration for incubator projects in the airport and downtown. The second pool of money, consisting of approximately $30,000, is available from vehicle replacement funds in the Community Development Department. These funds are proposed to be utilized to hire a consultant to process island annexations that pose many service challenges for the City. It is recommended that these projects be budgeted directly out of the Equipment Replacement Fund.

**Public Works:** The Engineering Division currently has two vacant positions. They are the Principal Civil Engineer and the Associate Engineer. A third Assistant Engineer was hired in lieu of the Associate Engineer. Staff’s efforts will be focused on completing the priority projects. Progress on non-priority projects will be slower or will cease until adequate staffing is achieved. Where grant funding is the funding source, the City will rely more on consultant assistance throughout the project phases, including construction management. The Building Division continues to see greater demands on its two permanent employees. Other Cities of comparable size have at least two field inspectors and one Building Official. Payments have not been scheduled to the Equipment Replacement Fund. This means that the service life of the equipment will be prolonged one year longer than its normal service life.

**Parks and Leisure Services:** The Department will be modified within the Library function. A reduction in Library hours is proposed. Currently, the Library is open a total of sixty-five hours over six days per week. The budget request anticipates having the Library available to the public forty hours during only four days per week. The proposal is to have the Library open from 10:00 am to 8:00 p.m., Monday through Thursday. Further, because of funding limitations, it is anticipated that during the 2004/05 Fiscal Year, the Library room at the Porterville Heritage Center will not be opened. The Department will continue to utilize a contractor for street median landscape maintenance. The Department will have increased responsibility for the opening of new facilities during the year, including the Trailhead Park, Tule River Parkway, and Centennial Plaza. There will also be additional costs from the Porterville Heritage Center. There are no new sources of revenue for these activities, so covering the additional costs will require reducing activity in other parks. In this regard, reductions from current service levels may be noted. The new Swimming Pool will be initiated during the Fiscal Year. It is expected some level of savings will be realized as a result of the more efficient and less maintenance-prone facility. The baseline for this project will be based upon operations during the late 2004 Summer. As with the other General Fund operations, no contributions will be made this year into the Equipment Replacement Fund.

**Parks and Leisure Services Grants:** In the past, the City has received support from the State for the Literacy Program. This year, it is understood that State grant support will be reduced so that the City will have to accept an additional $50,000 in expense to maintain the
program. Therefore, the Budget assumes the closure of the Literacy Program during the 2004/05 Fiscal Year to avoid the additional General Fund expenditure. The City has accumulated a cash balance for program support and this will be spent out, so the actual program closure will occur in about January, 2005. Efforts will be made to obtain additional grant monies; and if they are achieved, the program would be continued.

OTHER CITY FUNDS

In addition to General Fund allocations, the City has a set of special, enterprise and internal service funds. Their status during the Fiscal Year is proposed as follows:

**Special Gas Tax Fund:** The Street Maintenance budget for 2004/05 has been cut from the prior year’s budget. The Signals, Signing and Marking budget was increased as was the Street Lighting budget. Two positions have been frozen in the Street Division, so normal expectations for Street maintenance cannot be accomplished. This area will be very critical in the next Fiscal Year (2005/06) and a decision should be made at that time, regarding the number of streets that are repaired within the maintenance programs.

**Local Transportation Fund:** The available resources derived from LTF have been dwindling, while the non-LTF resources have continued to grow. This will only result in a shift in the funding source for several street construction projects over the next several years.

**Traffic Safety Fund:** Vehicle Code fine revenue is projected to remain flat for the 2004/2005 Fiscal Year. Although vehicle code enforcement efforts are as brisk as ever, fine collections are decreasing.

**Zalud Estate Fund:** As in the prior Fiscal Year, it is proposed that $10,000 of General Fund money be allocated to assist the Zalud Estate Fund. The City has initiated fund-raising efforts, and some improvement in revenues is expected, though far from sufficient to balance the Fund. Therefore, it is expected that the endowment will be reduced by about $11,500. At this rate, the endowment will be extinguished in about 12 years.

**Community Development Block Grant Fund:** The major component of this budget is the completion of the Porterville Heritage Center project. Also included in this year’s budget is the continued support for the current Porterville Youth Center.

**Transit Fund:** Activity in the Transit system leveled off during the 2003/04 budget year. After researching activity in the other systems in Tulare County, this trend was wide-spread. The 2004/05 Fiscal Year will be the second year the system operates under the Federal Grant Program designation of 5307, the designation for “Urban” transit systems. This Federal program will provide substantial funding for capital acquisition and operations. Any additional Federal funding will reduce the need for the system to draw on State and Local transportation funding, freeing up those dollars for street projects.
Citizens Option for Public Safety (COPS): State and Federal grants provide about $137,500 per year in support of police services. There is some possibility that the monies may be removed by the Legislature and Governor, though this is less likely than losing booking fees. The loss of booking fees (approximately $83,000) has been projected in the General Fund Budget. It is possible, however, that the mandate for paying booking fees may be removed by Legislative action.

Sewer Operating Fund: The most notable change in the Sewer Operating Fund for the 2004/05 Fiscal Year is the debt service payment for the CIEDB Loan obtained to resolve the outstanding issues with the Regional Water Quality Control Board. Land acquisition and improvement construction will be well underway by July of 2004.

Solid Waste Fund: The fund was established to account for revenues and expenditures incurred in the collection and disposal of solid waste, street sweeping, graffiti removal, household hazardous waste, and recycling. The fund is a self-supporting enterprise fund. The Solid Waste budget reflects an increase in expenses of 6.6% for the 2004/05 Fiscal Year which should result in a deficit for the Fiscal Year. The third step of a three-step rate increase as approved by the Council in Resolution No. 145-2002 scheduled to be implemented effective July 1, 2004. A rate adjustment will be proposed for Fiscal Year 2005/06, although the magnitude has not yet been defined and will depend upon economies which can be achieved over the course of the 2004/05 FY.

Airport Operating Fund: The Airport Budget is balanced, but only because of General Fund support. Support provided is reimbursing the time charged from the Fire Department for the Airport Manager in the amount of $41,000 and the General Fund’s reimbursement of the 9% Administrative Charge. We have been advised that the Forest Service will not use fixed-wing aircraft this year at the Air Attack Base. The estimated loss from this is $40,000. This loss has been assumed into this year’s balanced Budget. Activities at the Airport have increased over the past two years with the airport achieving a favorable response from the public. Over the next two years, as the budget situation continues to be unstable, the major impact the public will see is less maintenance and repairs of the facility. There is, however, an approved FAA grant that will allow for some security improvements and asphalt slurry seal at the Airport. The work program for the coming year will focus on completing the hazardous waste remediation project, completing the Airport Layout Plan, and the purchase of hangars with State aviation loan monies.

Golf Course Fund: It is anticipated that the Golf Course Fund will incur a deficit in the coming Fiscal Year. A standard budget is submitted in this initial document; however, by the time of the public hearing on the draft Budget, an alternative reflecting Council direction will be provided. It will provide for a modification in the rate structure, savings from using private sources to maintain the facility, and a concept market analysis to evaluate other possible configurations of the facility. The City Manager encourages the Council to retain the Golf Course as an Enterprise Fund for the 2004/05 Fiscal Year, because the incorporation of the Fund’s deficit into the General Fund would be material and greatly modify assumptions regarding the General Fund’s standing.
**Water Operating Fund:** The City’s Water Fund was established to account for the revenues and expenditures incurred in the production, disinfection, and distribution of potable water. The fund is a self-supporting Enterprise Fund wherein revenues should be sufficient to cover all costs. It is expected that expenditures within the Fund will increase by about 4%. The last water user rate increase took effect January 1, 1995. With the decline in available cash reserves, indications are that water-related rates will need to be increased in Fiscal Year 2004/05 to build adequate reserves for capital improvement projects such as additional wells, reservoirs, water quality and water well rehabilitation projects. This should be an aspect of an overall major water project presented to the Council during the Summer of 2004.

**Risk Management:** The Risk Management Fund will be experiencing differing demands over the next few years. With recent changes in the rules regulating treatment options for Worker’s Compensation claims, and the potential for major modifications in the Healthcare program, the final impact of the changes will not be known perhaps until after the end of the Fiscal Year.

**Equipment Maintenance Fund:** The Fund handles the operations of the City Shop and the City Warehouse. Rate adjustments will become effective July 1, 2004 to ensure the continued solvency of the Fund.

**Equipment Replacement Fund:** Although General Fund contributions to this Fund have been discontinued for the budget year, equipment replacement activity continues. This postponement in funding will result in larger contributions in Fiscal Year 2006/07 to make up for the deferment. The Fund has adequate resources to allow for near-normal operations over the next few years; however, the deferred funding will be recorded to allow for the proper catch up funding in the future.

**Landscape Maintenance Districts:** New Landscape Maintenance Districts are being added each year to account for new development in the community. This growth is not expected to diminish until after we see a significant increase in interest rates.

**Water Replacement Fund:** Cash reserves from the Water Operating Fund are transferred into the Water Replacement Fund at each fiscal year end. The funds in the Water Replacement Fund are used for water system replacements and master plan improvements. Over the last five years, available cash reserves to transfer into the replacement fund have been declining. The City’s water system is in need of additional water supplies and for several years has experienced significant difficulty in meeting the high water demands of the summer. Three new wells are proposed in 2004/05 at a cost of 1.5 million dollars.

**Sewer Revolving Fund:** This Budget proposes approximately $931,000 in capital expenditures. The revenue picture for the Fund appears to be holding steady, although like the other funds used to track and spend impact fees, an increase in interest rates could have an immediate negative influence on the available resources in the Fund.

**Solid Waste Capital Reserve:** This Fund was established to build a capital reserve that will be necessary to provide the additional capital required to travel to the Woodville Landfill once it is
determined that the Teapot Dome Landfill has reached capacity. Unfortunately, due to increasing operating costs in the Solid Waste Fund, little activity in the Reserve Fund is planned for the budget year. This reduction in contributions is made less painful with the news of the extended life of the Teapot Dome Landfill. This life extension will allow more time to build the needed reserves.

**Transportation Development Fund:** This Fund was created in conjunction with the issuance of $20 million in Certificates of Participation to build streets to Granite Hills High School. Impact fees are collected from new development to repay the Certificates of Participation used to build roads that provide for growth in development. Activity in the Fund is dependent upon the volume of building and development activity in the community.

**Park Development Fund:** This Fund was also created in conjunction with the issuance of the $20 million in Certificates of Participation, with proceeds primarily used to cover the cost of the construction of the Sports Complex at the Airport. Once paid in full, this revenue stream will be used to construct other park improvements around the community. This Fund is also dependent upon development activity.

**Wastewater Treatment Facility Capital Reserve:** The Wastewater Treatment Facility Capital Reserve Fund is used to record impact fees and provide resources for the construction of infrastructure capacity. This Fund will also be utilized to track loan proceeds from the CIEDB Loan, and will be the funding source for the capital improvements for which the loan was made.

**Storm Drain Development Fund:** This Fund has been accumulating impact fees used to build infrastructure to handle growth, and to repay developers for Master Plan improvements they make in conjunction with specific development projects. It is projected that the majority of the accumulated balance of cash will be expended during this budget year.

**Building Construction Fund:** The Building Construction Fund was established to accumulate General Fund surplus revenues to allow for the construction of a City Hall expansion, the construction of a new Fire Station, and the construction of a new Police Facility. At the time these projects were desperately needed, it was determined that the most cost-effective approach to complete the construction was to borrow the total amount needed, and use the interest income from this cash balance to assist with the debt service payments. In years when portfolio earnings are down, the benefit of this tool is reduced. With interest rates expected to grow in the next few years, so too will the benefit of this fund.

With the assumptions, limitations, and modifications which have been defined, the City Manager and Deputy City Manager recommend the approval of the Budget which has been outlined in commentary and calculations. The Budget will maintain service levels, focus staffing, and achieve important projects within the context of a turbulent State and local governmental financial environment. The Budget attempts to combine basic conservative features with an assumption of calculated risk to use accumulated resources to achieve important public ends.
The Budget is based upon specific targets formulated after extensive consultation between departments and with the City Council. The extent to which the assumptions are correct, the Budget will be effective. The basic approach of a three-year strategic plan, one year budget and three times a year review is the base-rock of the approach. We have defined where we want to go, how to annually operationalize it, and how to provide for consistent review should a minor or major course correction be required during the current operational period.

Respectfully submitted,

John Longley
City Manager

Darrel L. Pyle
Deputy City Manager
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ADOPTING THE
GENERAL FUND BUDGETS
FOR FISCAL YEAR 2004-2005

WHEREAS, The City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed Operating and Capital Improvement Budget for the period beginning July 1, 2004, and ending June 30, 2005; and

WHEREAS, The City Council after thorough review, has determined said budgets, as modified and corrected, are in all respects suitable and adequate for the purposes of said budgets and cover the necessary expenses of the General Fund of the City of Porterville for the 2004-2005 fiscal year based on the cash reserve balance;

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Porterville General Fund Budget for the 2004-2005 fiscal year is adopted in the following amounts:

   Operating Budget $ 16,374,468
   Capital Projects 458,000
   Debt Service 1,835,000
   Contributions and Reservations of General Fund 648,243
   Total $ 19,315,711

2. The budgeting system and methods for increasing future budgets has been suspended during this period of State budget uncertainty, but shall resume as provided by Resolution No. 9614 when revenue stabilization is achieved.
3. It is the intention of Council that expenditures for 2005-2006 fiscal year for General Fund operating functions include the restoration of 50% funding of the equipment replacement program for all General Fund equipment.

4. Staff will update Council on the condition of the budget and ongoing validity of assumptions utilized to create it during the months of November and January and April of the fiscal year, or at any time information becomes available that would alter the viability of this budget.

5. The City Manager is authorized to transfer General Fund operating budget appropriations between functions as required.

6. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

________________________
Pedro R. Martinez, Mayor

ATTEST:

________________________
John R. Longley, Jr., City Manager
* * * *

STATE OF CALIFORNIA

COUNTY OF TULARE

I, JOHN R. LONGLEY, JR., the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at an adjourned meeting of the Porterville City Council regularly called and held on the 15th day of June, 2004.

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

<table>
<thead>
<tr>
<th>COUNCIL:</th>
<th>MARTINEZ</th>
<th>IRISH</th>
<th>STADTHERR</th>
<th>HAMILTON</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

JOHN R. LONGLEY, JR., City Clerk

By ________________________________
Georgia Hawley, Chief Deputy City Clerk
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ADOPTING THE
ENTERPRISE, INTERNAL SERVICE AND CAPITAL
BUDGETS FOR FISCAL YEAR 2004-2005
IN THE AMOUNT OF $42,655,932

WHEREAS, The City Manager, under provisions of the City Charter of the City of Porterville, has presented to the City Council for its consideration, a proposed Operating and Capital Improvement Budget for the period beginning July 1, 2004, and ending June 30, 2005; and

WHEREAS, The City Council after thorough review, has determined said budget, as modified and corrected, is in all respects suitable and adequate for the purposes of said budget and covers the necessary expenses of the Enterprise and Internal Service Fund of the City of Porterville for the 2004-2005 fiscal year;

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Porterville Enterprise and Internal Service Funds budgets for the 2004-2005 fiscal year is adopted in the following amounts:

   Operating Budget $ 23,657,916
   Capital Projects 17,601,962
   Debt Service 846,904
   Contributions 549,150
   Total $ 42,655,932

2. Increased service levels that require additional appropriations shall not be implemented without prior City Council approval.

______________________________
Pedro R. Martinez, Mayor

ATTEST:

______________________________
John R. Longley, Jr., City Manager
STATE OF CALIFORNIA

COUNTY OF TULARE

I, JOHN R. LONGLEY, JR., the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at an adjourned meeting of the Porterville City Council regularly called and held on the 15th day of June, 2004.

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

<table>
<thead>
<tr>
<th>COUNCIL:</th>
<th>MARTINEZ</th>
<th>IRISH</th>
<th>STADTHERR</th>
<th>HAMILTON</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

JOHN R. LONGLEY, JR., City Clerk

By ____________________________
Georgia Hawley, Chief Deputy City Clerk
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - MAY 25, 2004
CITY HALL CONFERENCE ROOM - 4:00 P.M.

Call to Order: 4:00 p.m.
Pledge of Allegiance by Council Member West
Invocation by Mayor Pedro Martinez
Roll Call: City Council: West, Irish, Hamilton, Stadtherr, Martinez

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

1. BUDGET STUDY SESSION

The City Manager stated that the purpose of the study session was to provide the initial review of the budget, to answer and clarify questions, and to give directions as to modifications to the budget. He stated that it was anticipated that the budget would go to a public hearing after the study session process was completed, probably the second meeting in June when a full Council would be present. The City Manager stated that the budget had been generally outlined in narrative material, and he then went through the budget narrative with the Council.

Council Member Hamilton expressed his concern about running a deficit budget, and using the equipment replacement fund to do it also.

The Deputy City Manager stated that they were under-funding the budget between $250,000 and $400,000, and under-funding the Equipment Replacement Fund for the 2004/05 Fiscal Year. He stated that the General Fund Departments would not contribute to the Equipment Replacement Fund in 04/05, while all the Enterprise Funds would continue to contribute. He stated that the strategy was that in Fiscal Year 06/07, when recovery began and if all variables fell into place, they would bring back to Council a recommendation on how to catch up for lost time and lost contributions to the Equipment Replacement Fund. He stated that they were seeking grants that were clean air related to replace older equipment which were partially funded in the Equipment Replacement Fund. He stated that perhaps they could reallocate any saved resources to other General Fund areas.

Council Member Hamilton stated that another major concern was the drastic increase in salaries and health and benefits in the departmental budgets, while reducing operational expenses.

The Deputy City Manager stated that they were monitoring the benefits costs, and they would be meeting and conferring, and would be bringing back to Council the costs and a strategy.

Council Member Hamilton spoke on the high cost of the retirement system. He stated that he was concerned because the citizens take care of them and the budget was structured to take care of the employees. He stated that they were not maintaining the level of service for them, and the citizens were the ones getting short changed.

City Manager Longley stated that he felt that they delivered a good service level, and having a continuity of employees was one of the crucial aspects of that. He stated that what was proposed was a bridge
type program because of State action visited upon the City, especially the cuts, in order to maintain service levels. He stated that in order to do that, they had to maintain their employment base. He stated that the salary increases defined in this budget to be expended were the raises already agreed to through MOUs or resolutions. He stated that everything else was subject to future Council determination through the meet and confer process.

Council Member Hamilton stated that what was being proposed now was not funding the Equipment Replacement now, and hopefully refunding in 06/07, which would be backfilling their own coffers and wouldn’t be doing any capital projects—so where was the hope for the future.

The City Manager stated that it was to maintain the momentum from the past, and that was what this budget attempted to do. He stated that the option was to go back and revisit service levels, which was a Council decision.

Staff then reviewed the Departmental General Fund Budget and Service Review Statement, and the corresponding General Fund Expenditure Estimates which was broken down by department.

Council made the request that during the MSI Study the consultant should review a cost center for charges to Schools for police calls to respond on campus, or at least a charge to the parent or person generating the call.

The Deputy City Manager then handed out and reviewed the All Funds Summary, and a matrix of changes in the General Budgets from 2003/04 to 2004/05.

Council took a break at 5:17 p.m. to 5:25 p.m.

The City Manager then reviewed the ‘Other City Funds’ narrative, and the Deputy City Manager reviewed corresponding Budget Fund documentation. The Field Services Manager presented the Farming Operation with revenue decreases and expenditures increases for 03/04 and 04/05. The Deputy City Manager also presented the proposed modification in the Healthcare program.

During the review, City Council made the following requests:
- Staff to bring to Council different advertising programs available and anticipated revenues estimates from selling advertising space on the fixed route buses, along with examples of how much money some other cities and agencies have generated from their ad space sales.
- Staff to provide information to Council on the cost of adding fluoride to the water system.
- Mayor Pro Tem Irish requested that Council look at passing a resolution saying that they could not take the equipment replacement funds down past a five year minimum reserve without a four-fifths vote.

City Manager stated that the erosion this year was 5%, and there were red flags all over the place, but they had entered into this as a disclosure thing to tell the Council what the problems were. He stated that they could do it as a promotional thing and tell Council the good stories, and the good stories were that they were very strong and very financially strong as a government, at times when other people weren’t. They have had two challenging years, and through savings they had accumulated revenues, and it was in the context of where they were as a government that they had prepared this budget which carries them through and keeps them strong at the end of the year. He stated that what had happened to them was nearly a perfect storm, and they had gone through it and addressed fund deficiencies in airport, golf and Zalud House variously through reorganization and through some subsidy. He stated that they had addressed deficiencies in the underfunded healthcare cost program. The City Manager stated that they were funding the high cycle of PERS costs at this time, but PERS savings had actually bailed budgets out in the past. He stated that they were covering large
losses from State curtailments, and every year they were visited by eroding per capita revenue base as a result of residential development which does not pay for itself because of the configuring of property taxes. So in what was nearly a perfect storm of problems, they were presenting a budget that was 5% or 6% out in terms of a one year deficit. It was a spending plan, and staff felt that they had told the Council about every wart. He stated that they had proposed an approach to the budget where they were continually revisiting it. In terms of an approach, they had provided targets, and if they didn’t hit their targets, then there was a problem that needed to be discussed. He stated that there were targets throughout the year, and there was accountability. He stated that all of that was done in the context that they have an effective service that could be carried on over a three year time frame, and they could come out the other side O.K. City Manager Longley stated that they could also meet a whole series of bullet points of expectations set for the service in terms of service levels and where they were focusing the priority effort. He stated that the staff was bringing forward this preliminary budget which they felt was a strong future step to continue service levels within a set of reasonable economic expectations.

The Deputy City Manager stated that during the course of the upcoming fiscal year, as they worked with other agencies in Tulare County towards joint solutions to public safety funding levels, they would be bringing information back to City Council for review and possible action. He stated that all the Departments shared the philosophy that steps needed to be implemented to provide additional public safety staffing, and a plan needed to be developed to provide on-going growth in public safety staffing to keep pace with the population.

Mayor Pro Tem Irish asked about PERS savings being used to offset budgets, and he asked that staff provide an accounting of the PERS costs and refunds over the past ten years.

The Deputy City Manager spoke regarding the PERS savings, and its drop to the bottom line for inclusion as beginning resources in the budget line items. He stated that the reason the funds were as much as they were in the budgets was because of departmental savings, and one component of the departmental savings was because of the anticipated PERS rates in years past which were not expended. The Deputy City Manager went on to explain that the $1.5 million in the “locked box” was not included in the computation, and the money stayed in the General Fund and generated interest income. The interest then became part of the revenue mix as the $1.5 million was not designed to grow by the amount of allocated interest. He stated that they proposed that over the next three years the $1.5 million stay as a reservation and not grow by either contribution or interest, which would be affected by inflation.

Mayor Pro Tem Irish stated that perhaps they needed to look at that to make sure the “locked box” stayed with a $1.5 million value that was anticipated to be used three, five or ten years from now. He stated that it would not be the same as the $1.5 million would represent less ten years from now.

The Deputy City Manager stated that it was a mechanism available since they knew the dollar amount. He stated that they could calculate the annual portfolio earnings that were generated and increase the “locked box” by its allocated interest, and that would be the new “locked box” number for the next budget.

The City Manager then reviewed the final ‘Other City Funds’ narrative, and the Deputy City Manager completed reviewing the corresponding Budget Fund documentation.

The City Manager stated that this summarized their explanations of their proposal to the Council for a budget for 04/05, and asked if Council desired subsequent study sessions, or whether staff should schedule a public hearing for consideration of the final budget. Council concurred on the June 15 public hearing. The
Deputy City Manager stated that staff would prepare a finished budget document, as stated tonight, prior to June 15.

The Deputy City Manager stated that in the General Fund Summary they tried to take into account all the things they knew as of the date they pushed the button on May 20. They accounted for the triple flip, the Governor’s deal, the loss of booking fees reimbursement from the State, the lack of mandated cost reimbursements, all those things, and they tried to take into consideration normal growth and property tax revenue, and normal growth and sales tax revenue. He stated that in appropriations, to try and make the picture as realistic as possible, they calculated and could see some bounce and the picture began to improve in 2006/07, as designed in the Governor’s deal. He stated that the appropriations listed for 2005/06 and 2006/07 were increased by a little over 2.9%. Those were the things that, since this was a one year budget document, what they were hoping to do was look at the vision and actually see that, if these things take place, do they begin to recover? He stated that this documented that if these things take place, then yes they do. The Deputy City Manager stated that they still had control over several components of the document for the next two years, and they would bring it back before the Council as part of development for 2005/06 and 2006/07 with recommendations for appropriations in the departments. He stated that in public safety it might be substantially more than 2.9%, and in other departments substantially less. He stated that in total they tried to make it as realistic as possible—the decision was still Council’s and the control was still there to improve the picture potentially, substantially by what action was taken in terms of approved appropriations in 2005/06 and 2006/07.

City Manager stated that was Council policy, and if Council would accept this for this year, they could give directives for next year that all equipment replacement funds should be 50% funded, or whatever the Council said, and when staff put together the budget next year, that became how they put it together.

Mayor Pro Tem Irish stated that he would like a study session on the equipment replacement fund prior to the next budget.

The Deputy City Manager stated that by the January date they would know whether the ballot initiatives passed, and whether the State has taken steps to fund those constitutional provisions. He stated that right now the budget was based on the deal passing, the voters approving those pieces, and if those don’t happen, changes would happen.

Council Member West congratulated staff on the good job on the budget.

Mayor Pro Tem Irish stated that they needed to look at the farming issue again, and the City Manager stated that it was something they would look at.

The Council took a break from 6:40 p.m. to 6:45 p.m.

2. OFF-HIGHWAY VEHICLE PARK INSURANCE

Recommendation: That the City Council accept the liability insurance proposal from Save the Tracks, Inc. for casual/practice riding at the Porterville Off Highway Vehicle Park in the amount of $9,020.00 and authorize opening of the OHV track once liability insurance coverage is obtained.

The Parks and Leisure Services Director presented the staff report.

Council Member Hamilton questioned why the City wasn’t promoting their own races.
COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that Council accept the liability insurance proposal from Save the Tracks, Inc. for casual/practice riding at the Porterville Off Highway Vehicle Park in the amount of $9,020.00 and authorize opening of the OHV track once liability insurance coverage is obtained. The motion carried unanimously.

OTHER MATTERS/COUNCIL COMMENTS

Mayor Pro Tem Irish stated that he would be absent from the June 1 Council Meeting.

The City Manager clarified that he had direction in terms of summary of costs in adding fluoridation, also the PERS rate history, but asked if he should schedule something on equipment replacement also.

Mayor Pro Tem Irish stated that staff should do equipment after January 1.

ADJOURNMENT

The Council adjourned at 6:48 p.m. until June 1, 2004.

__________________________
Georgia Hawley, Deputy City Clerk

SEAL

__________________________
Pedro R. Martinez, Mayor
SUBJECT: SIERRA MEADOWS - TENTATIVE SUBDIVISION MAP
(GARY SMEE )

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Sierra Meadows Tentative Subdivision Map to divide a vacant 42.1± acre parcel zoned R-E (Residential Estate) into a 56 lot rural density residential subdivision for that site located on the northeast corner of Indiana Street and Gibbons Avenue.

On April 7, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period. At the end of that period, no agencies responded.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Sierra Meadows Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Sierra Meadows Tentative Subdivision Map.

ATTACHMENT:

1. Complete Staff Report

DD_____ APPROPRIATED/FUNDED_____ CM______ ITEM NO. ___13___
STAFF REPORT - PUBLIC HEARING

TITLE: SIERRA MEADOWS - TENTATIVE SUBDIVISION MAP

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Gary Smee
3023 S. Byrd Ct.
Visalia, CA 93292

AGENT: James Winton & Associates
150 West Morton Avenue
Porterville, CA 93257

PROJECT LOCATION: The northeast corner of Indiana Street and Gibbons Avenue.

SPECIFIC REQUEST: The applicant is requesting approval for Sierra Meadows Tentative Subdivision Map.

PROJECT DETAILS: Sierra Meadows Tentative Subdivision Map proposes to divide a vacant 42.1± acre parcel zoned R-E (Residential Estate) into a 56 lot rural density residential subdivision.

GENERAL PLAN DESIGNATION: Rural Density Residential.

SURROUNDING ZONING LAND USE:

North: County - Dry land farming, and rural residential uses.
South: County - Gibbons Avenue and an orchard.
East: City - Dry land farming.
West: County - Indiana Street and dry land farming.

SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, a request for comment dated May 1, 2004, was mailed to the following public/private agencies for a 20 day review period:
San Joaquin Unified Air Pollution  No response
Resources Management Agency- Long Range Planning  No response
Resources Management Agency- Engineering/Flood/Traffic Division  No response
Tulare County Health and Human Services Agency  No response
Department of Fish and Game  No response
California Regional Water Quality Control Board  No response
Tulare County Association of Government  No response
District Archaeologist  No response
Charter Communications  No response
Southern CA Edison  No response
Postmaster  No response
Pacific Bell  No response
Southern CA Gas  No response
Porterville Unified School District  No response

The Subdivision Review Committee, on May 26, 2004, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval.

STAFF ANALYSIS: Development of the site as proposed will provide needed housing in conformance with the City’s General Plan Land Use and Housing Elements and requirements of the State Subdivision Map Act and local ordinances. For a number of years, housing directed toward “above moderate” income families has fallen short of the amount projected in the Regional Housing Needs Analysis and the Housing Element. It appears that this market has primarily been served by development in unincorporated areas. A larger lot subdivision within the City boundary may help to balance housing production across all income levels.

The City of Porterville has declared its intention through the publication of a Capital Improvements Plan and other means to improve streets in the vicinity of the proposed project to standards which will accommodate truck traffic. The affected street segments are Jaye Street from SH 190 to Gibbons Avenue, Gibbons Avenue from Main Street to Indiana Street, Indiana Street from Gibbons Avenue to Scranton Avenue and Scranton Avenue from Indiana Street to SH 65. Upon completion of these projects, the City of Porterville expects to amend the adopted Truck Route to include all of the affected street segments.

The street improvements and expansion of the adopted Truck Route will attract a significant number of truck trips per day in both directions along Gibbons Avenue adjacent to the proposed subdivision. These trucks will be required to stop at the intersection of Gibbons Avenue and Indiana Street and turn to the south or east.
The developer/applicant commissioned Quad Knopf to prepare a noise study to determine the extent of potential impacts from truck traffic, to evaluate the effectiveness of the proposed block wall and to make other recommendations as necessary. The study was conducted under the supervision of City staff and it was concluded that potential noise impacts could be reduced to less than significant levels with adoption of various mitigation measures. These mitigation measures, block walls and residential setbacks, etc., have been incorporated into the Mitigation Monitoring Plan attached to the environmental resolution.

Development of the proposed site has prompted the developer/applicant to request a variance to city Standards due to high power transmission lines (66KV) located along the east side of Indiana Street. Staff has determined that the cost associated with relocation the power poles behind the sidewalk is extreme. Therefore, staff is accepting the landscaped parkways as illustrated in the lower left hand corner of Attachment Item No. 1. The detail illustrates a five (5) foot parkway between the curb and sidewalk and an eleven (11) foot parkway between the sidewalk and a block wall. Existing power poles are generally located one (1) foot behind the proposed curb.

The proposal to develop the 42.1+ acre site with a single family rural residential subdivision in (one phase) is consistent with the General Plan’s Rural Density Residential land use designation and R-E (Rural Estate) zoning classification for the site.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: The Environmental Review Committee on April 7, 2004, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

DATE FILED FOR SUBDIVISION REVIEW COMMITTEE PROCESSING: May 26, 2004

DATE ACCEPTED AS COMPLETE: May 26, 2004
RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Sierra Meadows Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Sierra Meadows Tentative Subdivision Map.

ATTACHMENTS:

1. Sierra Meadows Tentative Subdivision Map
2. Negative Declaration
3. Draft Environmental Resolution
4. Draft Resolution of Approval
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California 93257

APPLICANT: Smee Builders
3023 S. Byrd Court
Visalia, CA 93202

PROJECT TITLE: Sierra Meadows Tentative Subdivision Map

ADDRESS/LOCATION: Northeast corner of Indiana Street and Gibbons Avenue.

PROJECT APPLICANT: Smee Builders

PROJECT DESCRIPTION: The Tentative Subdivision Map for Sierra Meadows proposes to divide a 42.1 ± acre vacant parcel zoned City R-E (Rural Estate) Zone into a 56 lot single family residential subdivision.

CONTACT PERSON: Bradley D. Dunlap (559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures ______ were, ______ were not made a condition of the approval of the project.

On April 7, 2004, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: April 7, 2004

Approved: Bradley D. Dunlap, Environmental Review Committee

Word: NegdescSierraMeadow

ATTACHMENT ITEM NO. 2
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR SIERRA MEADOWS TENTATIVE SUBDIVISION MAP FOR THAT VACANT 42.1± ACRE PARCEL LOCATED ON THE NORTHEAST CORNER OF INDIANA STREET AND GIBBONS AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 15, 2004, conducted a public hearing to consider approval of Sierra Meadow Tentative Subdivision Map, being a division (in one phase) of a vacant 42.1± acre parcel zoned R-E (Residential Estate) into a 56 lot rural density residential subdivision; and

WHEREAS: On April 7, 2004, the Environmental Review Committee accepted as complete an Environmental Initial Study prepared for the proposed tentative subdivision; and

WHEREAS: A reconnaissance-level field survey was conducted on November 3, 2002 by Quad Knopf biologist James W. Jones, Jr. to determine whether special-status plant and animal species occur on an area which includes the subject site (area between State Highway 190 to the north, Gibbons Avenue to the south, Indiana Street to the west and South Main Street to the east) or if habitat for such species are present in the project area. This reconnaissance-level field study was conducted in conjunction with the DEIR (April 2002) prepared for the Jaye Street and Gibbons Avenue Street Project. No Elderberry shrubs, Valley Oaks trees, wetland habitat, or Kit Fox dens were found to exist on the site of the proposed Sierra Meadows Tentative Subdivision. The biological study was included by reference into the Initial Study for this project.

WHEREAS: At the applicant’s request, a noise study was conducted by Quad Knopf and was submitted as a supplement to the application for the Sierra Meadows Tentative Subdivision Map. The study concentrated on the potential impact of future traffic (including substantial anticipated truck traffic) on the residential subdivision. The noise study was included by reference in the Initial Study prepared for this project and its recommendations have been included as mitigation measures.

WHEREAS: On the basis of the Initial Study and other evidence submitted for review, the City Council considered the following findings in regarding the environmental circumstances for this project:

1. That a Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act;

2. That the proposed project will not create adverse environmental impacts;
3. That the City Council is the decision-making body for the project;

4. That the Negative Declaration prepared for this project was made available for public review and comment;

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A;

6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project;

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a "de minimis impact" pursuant to Section 711.2 et. seq. of the Fish and Game Code; and

8. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration for Sierra Meadows Tentative Subdivision Map as described herein.

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ______________________
Georgia Hawley, Deputy
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e. bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
</tbody>
</table>
| Air Quality 5. a (continued) | a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.  
b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.  
c. One or more of the following means of dust control should be employed after the completion of earth grading operations:  
   i. Seeding and watering of new vegetation.  
   ii. Hydromulching or spreading of soil binders.  
   iii. Maintenance of the site’s soil surface crust through repeated soakings. | | |
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and NOX emissions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. a (continued)</td>
<td>3. Limit engine idling at the project site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Quality 5.a (continued)</td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td>13. Any gas-fired</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.a (continued)</td>
<td>appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>14. House units should be oriented to maximize passive solar cooling and heating when practicable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Air Quality 5.a (continued)</td>
<td>d. A new residential development is defined as any single or multiple family housing unit for which construction begins on or after January 1, 2004. Construction has begun when the foundation for the structure is constructed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise 10.a</td>
<td>1. Limitation to single-story construction for lots backing or siding onto Gibbons Avenue and or Indiana Street.</td>
<td>The City of Porterville</td>
<td>The City of Porterville</td>
</tr>
<tr>
<td></td>
<td>2. A minimum of a 7.5 foot block wall shall be installed along the rear yard and side yard facing Chess Terrace Street to a point of 133 feet from the rear property line for lot 22.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. A minimum of a 7.5 foot block wall shall be installed along the rear yard and side yard facing Gibbons Avenue through the curb return for lot 21 so there is no line of sight from the center of the lot adjacent to the roadway.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. A minimum of a 6 foot 8 inch block wall shall be installed along the side yard facing Indiana Street and through the curb return for lot 1 so there is no line of sight from the center of the lot adjacent to the roadway.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
</tbody>
</table>
| Noise 10.a (continued) | 5. A minimum of a 6 foot 8 inch block wall shall be installed along the rear yard and side yard facing Melinda Avenue to a point of 133 feet from the rear property line for Lot 36.  
6. A minimum of a 6 foot 8 inch block wall shall be installed along the rear yards of lots 23 through 35.  
7. A minimum rear yard setback of 133 feet is required for all habitable portions of the dwellings proposed for lots 22 through 36. Uninhabited portions of these proposed dwellings (garages, storage sheds etc.) are not restricted to this setback.  
8. Dwellings on lots 1 and 21 shall be designed so that the roof line is parallel to the adjacent roadway, so that they have limited window openings, and are finished with materials of a Sound Transmission Class of 15 or greater such as stucco, stone, or equal.  
9. The Community Development Director may approve alternative means of noise protection provided the alternatives meet or exceed the adopted measures as determined by a qualified professional. | City of Porterville | City of Porterville |
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Utilities and Service Systems</strong></td>
<td>The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
</tr>
<tr>
<td>12.e Storm water drainage.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Aesthetics</strong></td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>13.c Create light and glare.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR FOR SIERRA MEADOWS TENTATIVE SUBDIVISION MAP FOR THAT VACANT 42.1± ACRE PARCEL LOCATED ON THE NORTHEAST CORNER OF INDIANA STREET AND GIBBONS AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 15, 2004, conducted a public hearing to consider approval of Sierra Meadows Tentative Subdivision Map, being a division (in one phase) of a vacant 42.1± acre parcel zoned R-E (Residential Estate) into a 56 lot rural density residential subdivision; and

WHEREAS: On April 7, 2004, the Environmental Review Committee accepted as complete a Negative Declaration for the proposed tentative subdivision; and

WHEREAS: The Subdivision Review Committee on May 26, 2004, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant’s agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.

   The Land Use Element of the General Plan designates the site for Rural Density Residential development (0-2 d.u./acre). The proposed subdivision will be developed to a density of 1.33 d.u./acre.

   The Circulation Element of the General Plan designates Gibbons Avenue as an Arterial and Indiana Street as a Collector. Dedications and improvements necessary to comply with these designations are included as conditions of approval.

2. That the site is physically suitable for the type and density of the proposed development.

   The site is generally level. The soil is not highly expansive and therefore will not create any barriers to development.
3. That the Negative Declaration prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.

4. That the design of the project, or proposed improvements, are not likely to cause substantial environmental damage.

5. The Initial Study prepared for this project indicates that all potential impacts will be mitigated to less than significant levels.

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

The General Plan designates the site for Rural Density Residential uses. Adjacent land uses on three sides are also designated for compatible residential and agricultural uses. The fourth side is adjacent to planned industrial uses which will be separated from the residences by a required concrete block wall. Conditions of approval are included to ensure adequate development standards are met.

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

The proposed project complies with all the requirements of the Subdivision Ordinance without exception. The development standards of the R-E (Residential Estate) Zone including lot sizes, site coverage, parking, etc., will apply to the site.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Sierra Meadows Tentative Subdivision Map subject to the following conditions:

1. The developer/applicant shall dedicate access rights along lots with frontage along Gibbons Avenue and Indiana Street for all lots on the Final Map.

2. Residential development on lots backing or siding onto Gibbons Avenue and or Indiana Street shall be limited to a single story.

3. A minimum of a 7.5 foot block wall shall be installed along the rear yard and side yard facing Chess Terrace Street to a point of 133 feet from the rear property line for lot 22.

4. A minimum of a 7.5 foot block wall shall be installed along the rear yard and side yard facing Gibbons Avenue through the curb return for lot 21 so there is no line of sight from the center of the lot adjacent to the roadway.
5. A minimum of a 6 foot 8 inch block wall shall be installed along the side yard facing Indiana Street and through the curb return for lot 1 so there is no line of sight from the center of the lot adjacent to the roadway.

6. A minimum of a 6 foot 8 inch block wall shall be installed along the rear yard and side yard facing Melinda Avenue to a point of 133 feet from the rear property line for Lot 36.

7. A minimum of a 6 foot 8 inch block wall shall be installed along the rear yards of lots 23 through 35.

8. A minimum rear yard setback of 133 feet is required for all habitable portions of the dwellings proposed for lots 22 through 36. Uninhabited portions of these proposed dwellings (garages, storage sheds etc.) are not restricted to this setback.

9. Dwellings on lots 1 and 21 shall be designed so that the roof line is parallel to the adjacent roadway, so that they have limited window openings, and are finished with materials of a Sound Transmission Class of 15 or greater such as stucco, stone, or equal.

10. The Community Development Director may approve alternative means of noise protection provided the alternatives meet or exceed the adopted measures as determined by a qualified professional.

11. Construct a wall and provide landscape along the Gibbons Avenue and Indiana Street frontages of the project. Said area to be placed in a Landscape Maintenance District. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The wall(s) shall meet the following standards:

   a. The wall(s) shall match one of the colors in the color palette approved by the City Council and maintained by the Community Development Director.

   b. The wall(s) shall include articulation at intervals of approximately 80 feet except where such articulation is precluded by design constraints. In no case shall a wall exceed 160 feet without articulation. Methods of articulation may include the following:

      1) A minimum of a 24 inch change of plane.
      2) A minimum of an 18 inch change in height.
      3) A section of semi-open fence, except where such a feature would interfere with required sound protection.
      4) A change of material and/or color.
12. Place hydrants as indicated by the Fire Department.

13. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.


15. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

16. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

17. The developer/applicant shall provide and show all required utility easements on the Final Map.

18. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.

19. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the Uniform Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. The developer/applicant shall provide the reports indicated below:

a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (UBC Sec. 7013). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;

20. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

21. Prior to recording the final map for each phase, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

22. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells in that unit. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations.

23. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use.

24. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

25. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

26. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

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

28. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

29. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
c. Street base rock for accessibility by the public safety officials and building inspectors;
d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommendations contained in the Preliminary Soils Report;
e. Lot corners are marked;
f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

30. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. The development is not within boundaries of the currently adopted Storm Drain Master Plan. Some options are available to the developer and they are as follows:

a. Revise the Master Plan at the expense of the developer/applicant and incorporate the master facilities accordingly; or
b. Provide temporary on site drainage reservoir in accordance with City Standards and Specifications; or
c. Obtain rights and convey an easement to the City of Porterville for an off-site drainage reservoir. Off-site drainage reservoirs shall comply with CEQA and be improved/designed in accordance with City Standard Plans and Specifications.
31. The developer/applicant is advised of the obligation to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water associated with construction activity will be required (except operations that result in disturbance of less than one (1) acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

32. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

33. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.

34. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

35. The developer/applicant shall construct two City standard barricades at the end of all dead end streets. The developer/applicant shall also construct the necessary City Standard barricades that, in the opinion of the City Engineer, will prevent north bound Indiana Street traffic from entering the Poplar Ditch.

36. The developer/applicant shall provide street striping and flexible delineators as necessary to provide a safe vehicular crossing at the intersection of Indiana Street and the Poplar Ditch.

37. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.
38. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Ord. No. 1306, Title 24 OSA).

39. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

40. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

41. The developer/applicant shall dedicate property to the Poplar Ditch Company as required for maintenance. As a part of the grading plan the developer/applicant shall construct a maintenance road along the south side of the ditch and provide a six foot high chain link fence along the south side of the ditch with welded pipe gates at each end where the boundary of the subject development crosses the ditch.

42. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.

43. The landscape planting shall be watered by an automatic irrigation system and shall be landscaped as shown on the revised plans. All landscaping shall be installed prior to occupancy and be permanently maintained.

44. Fifteen (15) gallon street trees are required. One (1) additional tree is required on subdivision lots.

45. The developer/applicant shall pay for a minimum of 60 street trees along the inside and 59 trees on the perimeter in the LMD. The trees shall either be planted by the City of Porterville, or the developer, or by payment of a planting deposit, refundable upon the planting of each tree as each phase develops.
46. Prior to the approval of improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, and legal descriptions. The developer/applicant shall petition, on a form provided by the City, to have a new Lighting and Landscape Maintenance District formed for the project at the time the final map is approved and a fee of $375.00 is paid. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project. The following shall be included and maintained in said district: (1) Lighting; (2) Public Landscaping, if any; (3) Public walls/fences, if any; (4) Booster pump(s) and/or similar equipment for providing water service, unless an alternative means is utilized; (5) Recreation facilities.

47. The developer/applicant shall comply with all Mitigation Measures contained in the Mitigation Monitoring Program attached to the resolution.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Deputy
PUBLIC HEARING

TITLE: GENERAL PLAN AMENDMENTS AND RELATED ACTIONS FOR
CENTENNIAL PLAZA PARK AND GENERAL PLAN AMENDMENT AND
RELATED ACTIONS FOR COMMERCIAL AND HIGH DENSITY
RESIDENTIAL DEVELOPMENT ON THE NORTHEAST CORNER OF
PROSPECT STREET AND GRAND AVENUE

SOURCE: COMMUNITY DEVELOPMENT - PLANNING DIVISION

COMMENT: City staff is aware of an unusually large number of General Plan Amendments being proposed or considered. State law prohibits the amendment of any required element of the General Plan to no more than four times in any calendar year. For this reason, Staff is combining these separate proposals in one agenda.

General Plan Amendment 4-2004 (a)

The City of Porterville is requesting a General Plan Amendment 4-2004(a) which proposes to change the designation of the Land Use Element from General Commercial to Recreation and Open Space for the southerly two-thirds of the 26,400 square foot site located on the east side of North Main Street between Cleveland and Thurman Avenues. The Parks and Recreation Element will also be amended to reflect the location of the proposed park. In conjunction with General Plan Amendment 4-2004(a), Zone Change 2-2004 proposes to redesignate the southerly two-thirds of the site from C-2 (Central Commercial) to OA (Open Area).

On April 7, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study for General Plan Amendment 4-2004(a) to the Land Use Element, amendment to the Parks and Recreation Element and Zone Change 2-2004. Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period which ran from April 9, 2004 to April 28, 2004. At the end of that period, the only agency that responded was the San Joaquin Valley Air Pollution Control District. Those comments have been incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.
The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2004, conducted a public hearing to consider findings in support of approval of a Negative Declaration of Environmental Impact for the formation of Centennial Plaza Park and related actions for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenue. At the conclusion of that meeting, the City Council approved the Negative Declaration prepared for the formation of Centennial Plaza Park and related actions.

City Council Resolution 62-2004 (Negative Declaration) and the Mitigation Monitoring Program attached hereto as Attachment A is the supporting environmental document for proposed General Plan Amendment and Zone Change.

General Plan Amendment 4-2004 (b)

Mr. Terry Schuler is requesting a General Plan Amendment 4-2004(b) which proposes to change the designation of the Land Use Element from High Density Residential to General Commercial for proposed Parcel 1 of Tentative Parcel Map 4-2004, consisting of .96± acres located on the northeast corner of Prospect Street and Grand Avenue. In conjunction with General Plan Amendment 4-2004(b), Zone Change 4-2004 proposes to change the existing zoning on proposed Parcel 1 of Tentative Parcel Map 4-2004 from R-4(D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (Central Commercial - “D” Overlay Site Review).

Tentative Parcel Map 4-2004 proposes to divide a 5.1± acre vacant site into four (4) parcels and a remainder parcel as follows: Parcel 1 - 0.96± acres, Parcel 2 - 0.24± acres, Parcel 3 - 0.24± acres and the remainder parcel consists of 3.37± acres.

On May 5, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study for the above referenced applications. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period which ran from May 8, 2004 to May 27, 2004. At the end of that period, the only agency that responded was the San Joaquin Valley Air Pollution Control District. Those comments have been incorporated into a Mitigation Monitoring Program attached hereto as Attachment A-1 to the Environmental Resolution.
The environmental document, as proposed, will be the supporting Negative Declaration for General Plan Amendment 4-2004(b), Zone Change 4-2004 and Tentative Parcel Map 4-2004. A subsequent public hearing will be scheduled before the Porterville Parcel Map Committee for Tentative Parcel Map 4-2004.

Future development of proposed Parcel 1 will require City Council approval via a “D” Overlay Site Review.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution reaffirming the original Negative Declaration approved for the Formation of Centennial Plaza Park and related actions.

2. Adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 4-2004 (b), Zone Change 4-2004 and Tentative Parcel Map 4-2004.

3. Adopt the draft resolution approving General Plan Amendment 4-2004 (a).

4. Adopt the draft resolution approving General Plan Amendment 4-2004 (b).

5. Give first reading to the draft ordinance approving Zone Change 2-2004.

6. Give first reading to the draft ordinance approving Zone Change 4-2004.

ATTACHMENT:

1. Complete Staff Reports:

   PART ONE: General Plan Amendment 4-2004(a), amendment to the Parks and Recreation Element and Zone Change 2-2004.

   PART TWO: General Plan Amendment 4-2004(b) and Zone Change 4-2004.
GENERAL PLAN AMENDMENT 4-2004 (a), (LAND USE ELEMENT AND PARKS AND RECREATION ELEMENT) AND ZONE CHANGE 2-2004 FOR THAT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN CLEVELAND AND THURMAN AVENUES (CITY OF PORTERVILLE)

COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

Jim Perrine
Parks and Leisure Services Dept.
291 N. Main Street
Porterville, CA 93257

The City of Porterville is requesting a General Plan Amendment 4-2004(a) which proposes to change the designation of the Land Use Element from General Commercial to Recreation and Open Space for the southerly two-thirds of the 26,400± square foot site located on the east side of North Main Street between Cleveland and Thurman Avenues. The Parks and Recreation Element will also be amended to reflect the location of the proposed park. In conjunction with General Plan Amendment 4-2004(a), Zone Change 2-2004 proposes to redesignate the southerly two-thirds of the site from C-2 (Central Commercial) to OA (Open Area).

The City of Porterville is proposing to demolish the existing vacant building on a 26,400± square foot site and construct a park with a bandstand, fountain and appurtenant landscaping and the furnishings on the southerly two-thirds of the site. The northerly portion of the site (8,800± square feet to have turf only) would allow for future construction of a building for commercial and/or professional type uses. Although the exact nature of the commercial building has not yet been determined, for the purposes of the environmental analysis, it is assumed to consist of a two-story building with 6,600± square feet of retail commercial space and 6,600± square feet of professional office space or the equivalent.

Porterville’s General Plan designates the subject site as General Commercial with a C-2 (Central Commercial) Zone. Approval of the amendment to the Land Use Element, Parks and Recreation Element, and Zone Change to OA (Open Area) will allow for the public park to be consistent with the General Plan and zoning designation.
SURROUNDING AREA ZONING AND LAND USE:

North: City C-2 - Thurman Avenue, professional office, public parking and a transit system bus stop.
South: City C-2 - Cleveland Avenue and a professional office.
East: City C-2 - Alley, parking for contiguous businesses.
West: City C-2 - North Main Street and City Hall.

ENVIRONMENTAL: The Environmental Review Committee, on April 7, 2004, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act, (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

The Initial Study, proposed Mitigation Measures and a notice of public hearing were transmitted to interested agencies, groups and individuals for a twenty (20) day review period from April 9, 2004 to April 28, 2004. At the end of that period, the only agency that responded was the San Joaquin Valley Air Pollution Control District. Those comments have been incorporated into a Mitigation Monitoring Program attached to the Environmental Resolution as Attachment “A”.

The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2004, conducted a public hearing to consider findings in support of approval of a Negative Declaration of Environmental Impact for the Formation of Centennial Plaza Park and related actions for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenue. At the conclusion of that meeting, the City Council approved the Negative Declaration.

On May 8, 2004, a notice of public hearing was transmitted to interested agencies, groups and individuals for a twenty (20) day review period from May 8, 2004 to May 27, 2004. At the end of that period, no responses were received.

City Council Resolution 62-2004 (Negative Declaration) and the Mitigation Monitoring Program attached as Attachment A is the supporting environmental document for proposed General Plan Amendment 4-2004(a) to the Land Use Element, amendment to the Parks and Recreation Element and Zone Change 2-2004 for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenues.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: March 3, 2004

DATE ACCEPTED AS COMPLETE: April 7, 2004
STAFF ANALYSIS: The City of Porterville is proposing to demolish the existing vacant building and construct a park with a bandstand, fountain and appurtenant landscaping and site furnishings on the southerly two thirds of the site. The northerly portion of the site (8,800± square feet to have turf only) would allow for future construction of a two story building for commercial and/or professional office uses. Although the exact nature of the commercial building has not yet been determined, for the purposes of the environmental analysis, it is assumed to consist of a two-story building with 6,600± square feet of retail commercial space and 6,600± square feet of professional office space or the equivalent.

In order to achieve the aforementioned, General Plan Amendment 4-2004(a) proposes to change the designation of the Land Use Element from General Commercial to Recreation and Open Space for the southerly two-thirds of the site with the northerly portion of the site remaining with the present General Plan designation of General Commercial. The Parks and Recreation Element will also be amended to reflect the location of the proposed park. Concurrent with the proposed General Plan Amendment, Zone Change 2-2004 (a) would redesignate the southerly two-thirds of the site to OA (Open Area). This zoning allows for public and private parks. The northerly portion of the site would remain C-2 (Central Commercial) Zoned. Prior to the zoning becoming effective, a Lot Line Adjustment may be required to remove the four (4) parcels and leave two (2) parcels to reflect the area to be redesignated to OA zoning and the current zoning of C-2.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed amendment to the Land Use Element, the Parks and Recreation Element and Zone Change would result in the existing use of the site to remain as it is until a new proposal is submitted.

2. Approve the project. Approval of General Plan Amendment 4-2004(a) to the Land Use Element, amendment to the Parks and Recreation Element and Zone Change for the southerly two-thirds of the 26,400 square foot site from C-2 (Central Commercial) to OA (Open Area) will allow for the development of the park as proposed.

ATTACHMENTS:

1. Zoning, General Plan and Land Use Map
2. Site Plan of proposed Park
3. Negative Declaration
PROPOSED GENERAL PLAN AMENDMENT 4–2004(α)
AMENDMENT TO THE PARKS & RECREATION ELEMENT
ZONE CHANGE 2–2004

EXISTING ZONING C–2 (ENTIRE AREA)

EXISTING LAND USE
PO = PROFESSIONAL OFFICE
CB = COMMERCIAL BUSINESS

EXISTING GENERAL PLAN DESIGNATION
GENERAL COMMERCIAL (ENTIRE AREA)

PROPOSED ZONE CHANGE 2–2004
C–2 TO 0A

ATTACHMENT 1
NEGATIVE DECLARATION

LEAD AGENCY:  City of Porterville
291 North Main Street
Porterville, California 93257

APPLICANT:  City of Porterville
291 North Main Street
Porterville, California 93257

PROJECT TITLE:  Formation of Centennial Plaza Park and related actions.

ADDRESS/LOCATION:  The property fronting on the east side of North Main Street between Cleveland Avenue and Thurman Avenue.

PROJECT APPLICANT:  City of Porterville

PROJECT DESCRIPTION:  The City of Porterville is proposing to demolish the existing vacant building and construct a park with a bandstand, fountain and appurtenant landscaping on southerly two thirds of the site. The northerly portion of the site (8,800 square feet to have turf only) would allow for future construction of a building for commercial and/or professional type uses. Although the exact nature of the commercial building has not yet been determined, for the purposes of the study, it is assumed to consist of a two-story building with 6600 square feet of retail commercial space and 6600 square feet of professional office space or the equivalent.

In order to achieve the aforementioned, General Plan Amendment 4-2004 proposes to change the designation of the Land Use Element from General Commercial to Recreation and Open Space for the southerly two-thirds of the site with the northerly portion of the site remaining with the present General Plan designation of General Commercial. The Parks and Recreation Element will also be amended to reflect the location of the proposed park. Concurrent with the proposed General Plan Amendment, Zone Change 2-2004 would redesignate the southerly two-thirds of the site to OA (Open Area). This zoning allows for public and private parks. The northerly portion of the site would remain C-2 (Central Commercial) Zoned. Prior to the zoning becoming effective, a Lot Line Adjustment may be required to remove the four (4) parcels and leave two (2) parcels to reflect the area to be redesignated to OA zoning and the current zoning of C-2.

CONTACT PERSON:  Bradley D. Dunlap  (559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable, "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures X were, were not made a condition of the approval of the project.

On April 7, 2004, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be obtained by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: April 7, 2004

Bradley D. Dunlap, Environmental Review Committee

ATTACHMENT
ITEM NO. 3
CITY COUNCIL AGENDA: JUNE 15, 2004

PUBLIC HEARING - STAFF REPORT (PART TWO)

TITLE: GENERAL PLAN AMENDMENT 4-2004 (b), ZONE CHANGE 4-2004, AND TENTATIVE PARCEL MAP 4-2004 FOR THAT SITE LOCATED ON THE NORTHEAST CORNER OF PROSPECT STREET AND GRAND AVENUE

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

APPLICANT: Terry Schuler
P.O. Box 211
Porterville, CA 93258

AGENT: James Winton & Associates
150 W. Morton Avenue
Porterville, CA 93257

SPECIFIC REQUEST: The applicant is requesting a General Plan Amendment 4-2004(b) and Zone Change 4-2004 which proposes to change the designation of the Land Use Element from High Density Residential to General Commercial and change the existing zoning from R-4(D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (Central Commercial - “D” Overlay Site Review) for that site located on the northeast corner of Prospect Street and Grand Avenue.

PROJECT DETAILS: The General Plan Amendment 4-2004(b) proposes to change the designation of the Land Use Element from High Density Residential to General Commercial for proposed Parcel 1 of Tentative Parcel Map 4-2004, consisting of .96± acres located on the northeast corner of Prospect Street and Grand Avenue. In conjunction with General Plan Amendment 4-2004(b), Zone Change 4-2004 proposes to change the existing zoning on proposed Parcel 1 of Tentative Parcel Map 4-2004 from R-4(D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (Central Commercial - “D” Overlay Site Review). Tentative Parcel Map 4-2004 proposes to divide a 5.1± acre vacant site into four (4) parcels and a remainder parcel as follows: Parcel 1 - 0.96± acres, Parcel 2 - 0.24± acres, Parcel 3 - 0.24± acres and the remainder parcel consists of 3.37± acres.

GENERAL PLAN LAND USE DESIGNATION AND ZONING:

Porterville’s General Plan designates the subject site for High Density Residential uses and is zoned R-4(D) (Multiple Family Residential - “D” Overlay Site Review).
SURROUNDING AREA ZONING AND LAND USE:

North: City C-2 (D) - Restaurant, credit union and shopping center.
South: City R-1 & R-2 - Grand Avenue and developed multiple family and single family subdivision.
East: City R-4 (D) - Developed apartment complex.
West: City OA & C-2 (D) - Prospect Street, City Corporation Yard and P.U.S.D. T.A.P.P Facility.

ENVIRONMENTAL: The Environmental Review Committee, on May 5, 2004, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act, (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period which ran from May 8, 2004 to May 27, 2004. At the end of that period, the only agency that responded was the San Joaquin Valley Air Pollution Control District. Those comments have been incorporated into a Mitigation Monitoring Program attached hereto as Attachment A to the Environmental Resolution.

The environmental document, as proposed, will be the supporting Negative Declaration for General Plan Amendment 4-2004(b), Zone Change 4-2004 and Tentative Parcel Map 4-2004. A subsequent public hearing will be scheduled before the Porterville Parcel Map Committee for Tentative Parcel Map 4-2004.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: March 3, 2004

DATE ACCEPTED AS COMPLETE: May 5, 2004

STAFF ANALYSIS:
Once the General Plan Amendment 4-2004(b), Zone Change 4-2004 and Tentative Parcel Map 4-2004 have been approved, the subject site can develop in conformance with the General Plan and Zoning designation. Additionally, future development of proposed Parcel I will require City Council approval via a “D” Overlay Site Review.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed amendment to the Land Use Element, and Zone Change would result in future development of the site to conform to the existing R-4(D) (Multiple Family Residential –“D” Overlay Site Review) Zone.
2. Approve the project. Approval of General Plan Amendment 4-2004(b) to the Land Use Element and Zone Change 4-2004, would allow for proposed Parcel 1 - 0.96± acres of Tentative Parcel Map 4-2004 to develop in conformance with the General Plan and Zoning designation. Additionally, future development of parcels will require City Council approval via a “D” Overlay Site Review.

ATTACHMENTS:

1. Zoning, General Plan and Land Use Map
2. Zone Change Application
5. Draft Resolution approving the Negative Declaration for General Plan Amendment 4-2004(b), Zone Change 4-2004 and Tentative Parcel Map 4-2004
6. Draft Resolution approving General Plan Amendment 4-2004(a), amendment to the Parks and Recreation Element and Zone Change 2-2004
7. Draft Resolution approving General Plan Amendment 4-2004(b) and Zone Change 4-2004
8. Draft Ordinance approving Zone Change 2-2004
9. Draft Ordinance approving Zone Change 4-2004
PROPOSED
TENTATIVE PARCEL MAP 4-2004
GENERAL PLAN AMENDMENT 4-2004(b)
ZONE CHANGE 4-2004

EXISTING ZONING

EXISTING LAND USE

EXISTING GENERAL DESIGNATION

ATTACHMENT 1
APPLICATION FOR CHANGE OF ZONE NO. ______

TO THE PORTERVILLE CITY PLANNING COMMISSION:

We, the owners of real property set opposite our respective names, hereby petition to have Ordinance No. 707 amended by reclassifying from Zone __R4-D__ To Zone __C2-D__, the property described hereon and shown in colored cross-hatching on the attached map which, together with the Property Owner’s List, also attached hereto, are made a part of this petition.

The property is situated on the ___NORTHEAST CORNER OF PROSPECT & GRAND___

Between ________________________________ Street and ________________________________ Street.

Exact legal description of said property being ___A PORTION OF PARCEL 1 OF PARCEL MAP No. 2457___

1. Does public necessity require the proposed change? Is there a real need in the community for more of the types of uses permitted by the Zone requested than can be accommodates in the areas already zoned for such uses? (Fully explain your answer, considering the surrounding property as well as the property proposed to be reclassified.)

YES - THE SUBJECT SITE FRONTAGE ON PROSPECT STREET IS THE ONLY PROPERTY NORTH OF GRAND AVENUE THAT IS NOT ZONED COMMERCIAL.

2. Is the property involved in the proposed reclassification more suitable for the purposes permitted in the proposed classification than for the purposes permitted in the present classification? (Answer completely; give all reasons for your answer.)

YES - PROSPECT STREET IS A DIVIDED ARTERIAL. THE SITE IS AT THE NORTHEAST CORNER OF A SINGALIZED INTERSECTION. REZONING THE SUBJECT SITE WOULD CREATE CONSISTENCY WITH THE ZONING NORTH AND WEST.

3. Would the uses permitted by the proposed zone be determined in any way to surrounding property? (Explain reasons supporting your answer.)

NO - THE ADJACENT PROPERTY TO THE NORTH IS COMMERCIAL. THE PORTION OF THE PROPERTY TO REMAIN R4 IS OWNED BY THE APPLICANT.

4. What were the original deed restrictions, if any, concerning the type and class of uses permitted on the property involved? Give the expiration date of these restrictions. (You may attach a copy of these restrictions, after propery underscoring the portions that are in answer to this question.)

NONE
The following spaces are for signatures of owners whose properties lie within the radius of 300 feet of the property proposed to be reclassified and who approve of the change. (Not required (See item 2, Page 4))
(Attach extra sheets if necessary)

<table>
<thead>
<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>Lot</th>
<th>Block</th>
<th>Tract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

We, the undersigned property owners, herewith request that our respective properties which are included in the reclassification petitioned for, be reclassified and for the reasons herein enumerated.
(This space is for signatures of owners of property actually included in the proposed reclassification. Attach extra sheets if necessary.)

<table>
<thead>
<tr>
<th>No. on Map</th>
<th>Name</th>
<th>Address</th>
<th>Lot</th>
<th>Block</th>
<th>Tract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
OWNER'S DECLARATION

STATE OF CALIFORNIA
COUNTY OF TULARE

I, __________ TERRY SCHULER ____________, being duly sworn, declare and say that I am the owner of part (or all) of the property involved and that this application has been prepared in compliance with the requirements of the Porterville City Planning Commission as printed herein and that the foregoing information thoroughly and completely, to the best of my ability, presents the argument in behalf of the application herewith submitted and that the statements and information above referred to are in all respects true and correct except as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at ____________________________
This __23__ Day of __DECEMBER__, 2003
Telephone Number __781-2700__ Signed __________________________
Mailing Address __150 W MORTON__ __Porterville CA 93257__

This is to certify that the foregoing application has been inspected by me and found to be complete and acceptable for filing with the Porterville City Planning Commission.

Received ____________________________

By ____________________________

Receipt No. __________________

For The Porterville City Planning Commission
RESOLUTION NO. 62-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE FORMATION OF CENTENNIAL PLAZA PARK AND RELATED ACTIONS FOR THAT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN CLEVELAND AND THURMAN AVENUES

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2004, conducted a public hearing to consider the formation of Centennial Plaza Park and related actions for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenue; and

WHEREAS: The subject site has four (4) parcels for a total of 26,400 square feet. An existing vacant concrete building which encompasses the entire site was once used for a car dealership, vehicle repair and a vacuum cleaner sales and repair business; and

WHEREAS: The City of Porterville is proposing to demolish the existing vacant building and construct a park with a bandstand, fountain and appurtenant landscaping on the southerly two-thirds of the site. The northerly portion of the site (8,800± square feet to have turf only) would allow for future construction of a building for commercial and/or professional type uses. Although the exact nature of the commercial building has not yet been determined, for the purposes of this study, it is assumed to consist of a two-story building with 6,600± square feet of retail commercial space and 6,600± square feet of professional office space or the equivalent; and

WHEREAS: In order to achieve the aforementioned, General Plan Amendment 4-2004 proposes to change the designation of the Land Use Element from General Commercial to Recreation and Open Space for the southerly two-thirds of the site with the northerly portion of the site remaining with the present General Plan designation of General Commercial. The Parks and Recreation Element will also be amended to reflect the location of the proposed park. Concurrent with the proposed General Plan Amendment, Zone Change 2-2004 would redesignate the southerly two-thirds of the site to OA (Open Area). This zoning allows for public and private parks. The northerly portion of the site would remain C-2 (Central Commercial) Zoned. Prior to the zoning becoming effective, a Lot Line Adjustment may be required to remove the four (4) parcels and leave two (2) parcels to reflect the area to be redesignated to OA zoning and the current zoning of C-2; and
WHEREAS: On April 7, 2004, the Environmental Review Committee made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the Initial Study.

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups and individuals for a twenty (20) day review period which ran from April 9, 2004 to April 28, 2004. At the end of that period, the only agency that responded was the San Joaquin Valley Air Pollution Control District. Those comments have been incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

3. That the subject project will not create adverse environmental impacts. The approved Negative Declaration was evaluated in light of the prepared environmental initial study with studies, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

4. That the City Council is the decision-making body for the project.

5. That review of the environmental circumstances regarding the project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

6. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

7. That implementation of the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a de minimis impact pursuant to Section 711.2 et. Seq. of the Fish and Game Code.
8. That the environmental assessment and analysis prepared for the project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for the formation of Centennial Plaza Park and related actions for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenue.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Deputy
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 18th day of May, 2004.

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

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

JOHN LONGLEY, City Clerk

[Signature]
by Georgia Hawley, Deputy City Clerk
**Attachment A**

**Mitigation Monitoring Program**

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Geologic Problems</strong></td>
<td>Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>3.f</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.a</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>Changes in absorption rates, drainage patterns or the rate and amount of surface runoff.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td>If asbestos or lead base paint is found in the existing building to be demolished, the City of Porterville will implement and comply with the regulations outlined in the NESHAP regulation, 40 CFR, Part 61, Subpart M.</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SVUAPCD, City of Porterville</td>
</tr>
<tr>
<td>5.a</td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e. bicycles and walking).</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mitigation through construction management.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. The City will implement Regulation VIII of the SVUAPCD including:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. a (continued)</td>
<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. Seeding and watering of new vegetation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Hydromulching or spreading of soil binders.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. Maintenance of the site’s soil surface crust through repeated soakings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Air Quality 5. a (continued)</td>
<td>2. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the future building during the cold winter months. 3. As many energy-conserving features as possible should be included in the design/ construction of the future building for commercial and/or professional office uses. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating. 4. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed. 5. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td>6. Electrical outlets should be installed around the exterior of the building to encourage the use of electric landscape maintenance equipment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.a (continued)</td>
<td>7. Limit engine idling at the project site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. Construction equipment used at the site should be equipped with catalysts/traps to reduce particulate and NOX emissions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Air Quality 5.a (continued)</td>
<td>11. Curtail construction during periods of high ambient pollutant concentrations. 12. Require that all diesel engines be shut off while on the premises (when not in use).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities and Service Systems 12.e Storm water drainage.</td>
<td>The site is within the boundaries of the City's Master Plan for Storm Drainage (2001). Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City's Storm Drainage Master Plan will be required.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Aesthetics</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site's eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF REAFFIRMATION OF A NEGATIVE
DECLARATION FOR THE FORMATION OF CENTENNIAL PLAZA PARK AND
RELATED ACTIONS FOR THAT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN
STREET BETWEEN CLEVELAND AND THURMAN AVENUES

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of June 15, 2004, conducted a public hearing to consider reaffirmation of a previously approved
Negative Declaration for Centennial Plaza Park and related actions for that site located on the east
side of North Main Street between Cleveland Avenue and Thurman Avenue; and

WHEREAS: The subject site has four (4) parcels totaling 26,400± square feet in area. An
existing vacant concrete building which encompasses the entire site was once used for a car
dealership, vehicle repair and a vacuum cleaner sales and repair business; and

WHEREAS: The City of Porterville is proposing to demolish the existing vacant building
and construct a park with a bandstand, fountain and appurtenant landscaping on the southerly two
thirds of the site. The northerly portion of the site (8,800± square feet to have turf only) would allow
for future construction of a building for commercial and/or professional type uses. Although the
exact nature of the commercial building has not yet been determined, for the purposes of the
environmental analysis, it is assumed to consist of a two-story building with 6,600± square feet of
retail commercial space and 6,600± square feet of professional office space or the equivalent; and

WHEREAS: In order to achieve the aforementioned, General Plan Amendment 4-2004(a)
proposes to change the designation of the Land Use Element from General Commercial to
Recreation and Open Space for the southerly two-thirds of the site with the northerly portion of the
site remaining with the present General Plan designation of General Commercial. The Parks and
Recreation Element will also be amended to reflect the location of the proposed park. Concurrent
with the proposed General Plan Amendment, Zone Change 2-2004 would redesignate the southerly
two-thirds of the site to OA (Open Area). This zoning allows for public and private parks. The
northerly portion of the site would remain C-2 (Central Commercial) Zoned. Prior to the zoning
becoming effective, a Lot Line Adjustment may be required to remove the four (4) parcels and leave
two (2) parcels to reflect the area to be redesignated to OA zoning and the current zoning of C-2; and

WHEREAS: The Environmental Review Committee on April 7, 2004, recommended to the
City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining
Act, (Section 65950 of the Government Code), the City has 180 days from the date the application
was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may
follow certification of the Negative Declaration in order to make a determination regarding the
project.

ATTACHMENT
ITEM NO. 4
WHEREAS: The Initial Study, proposed Mitigation Measures and a notice of public hearing were transmitted to interested agencies, groups and individuals for a twenty (20) day review period from April 9, 2004 to April 28, 2004. At the end of that period, the only agency that responded was the San Joaquin Valley Air Pollution Control District. Those comments have been incorporated into a Mitigation Monitoring Program attached to the Environmental Resolution as Attachment “A”.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 18, 2004, conducted a public hearing to consider findings in support of approval of a Negative Declaration of Environmental Impact for the formation of Centennial Plaza Park and related actions for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenue. At the conclusion of that meeting, the City Council approved the Negative Declaration.

WHEREAS: City Council Resolution 62-2004 (Negative Declaration) and the Mitigation Monitoring Program attached hereto as Attachment A is the supporting environmental document for proposed General Plan Amendment 4-2004(a) to the Land Use Element, amendment to the Parks and Recreation Element and Zone Change 2-2004 for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenue.

WHEREAS: On May 8, 2004, a notice of public hearing for General Plan Amendment 4-2004(a) to the Land Use Element, amendment to the Parks and Recreation Element and Zone Change 2-2004 for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenue was transmitted to interested agencies, groups and individuals for a twenty (20) day review period from May 8, 2004 to May 27, 2004. At the end of that period, no responses were received.

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was previously prepared and approved for the project in accordance with the California Environmental Quality Act and that said reaffirmation of the Negative Declaration adequately addresses this project.

2. That the proposed project will not create adverse environmental impacts. Implementation of the mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project has determined that impacts are less than significant.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for this project was made available for public review and comment.
5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project.

6. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby reaffirm the original Negative Declaration prepared for the Formation of Centennial Plaza Park and related actions (General Plan Amendment 4-2004(a) to the Land Use Element, amendment to the Parks and Recreation Element and Zone Change 2-2004) for that site located on the east side of North Main Street between Cleveland Avenue and Thurman Avenues.

________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR GENERAL PLAN AMENDMENT 4-2004(b), ZONE CHANGE 4-2004 AND TENTATIVE PARCEL MAP 4-2004 FOR THAT SITE LOCATED ON THE NORTHEAST CORNER OF PROSPECT STREET AND GRAND AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 15, 2004, conducted a public hearing to consider General Plan Amendment 4-2004(b) which proposes to change the designation of the Land Use Element from High Density Residential to General Commercial for proposed Parcel 1 of Tentative Parcel Map 4-2004, consisting of .96± acres located on the northeast corner of Prospect Street and Grand Avenue. In conjunction with General Plan Amendment 4-2004(b), Zone Change 4-2004 proposes to change the existing zoning on proposed Parcel 1 of Tentative Parcel Map 4-2004 from R-4(D) (Multiple Family Residential -“D” Overlay Site Review) to C-2 (Central Commercial - “D” Overlay Site Review). Tentative Parcel Map 4-2004 proposes to divide a 5.1± acre vacant site into four (4) parcels and a remainder parcel as follows: Parcel 1 - 0.96± acres, Parcel 2 - 0.24± acres, Parcel 3 - 0.24± acres and the remainder parcel consists of 3.37± acres; and

WHEREAS: The environmental document, as proposed, will be the supporting Negative Declaration for General Plan Amendment 4-2004(b), Zone Change 4-2004 and Tentative Parcel Map 4-2004. A subsequent public hearing will be scheduled before the Porterville Parcel Map Committee for Tentative Parcel Map 4-2004; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject General Plan Amendment 4-2004(b), Zone Change 4-2004 and Tentative Parcel Map will not create adverse environmental impacts. Implementation of the mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project has determined that impacts are less than significant.

3. That the City Council is the decision-making body for the project.
4. The Initial Study, proposed Mitigation Measures and a notice of public hearing were transmitted to interested agencies, groups and individuals for a twenty (20) day review period from May 8, 2004 to May 27, 2004. At the end of that period, the only agency that responded was from the San Joaquin Valley Air Pollution Control District. Those comments have been incorporated into a Mitigation Monitoring Program attached to the Environmental Resolution as Attachment “A”.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of these projects.

City staff conducted an on-site inspection. The entire vacant site has not been utilized for any type of agricultural uses. The site is frequently plowed to reduce the danger of fire in the dry season. This practice has eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

6. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

8. That the proposed action will not result in a significant impact on the quality of the human environment.

The proposed commercial zone is immediately adjacent to developed commercial properties to the north. The Zoning Ordinance requires a six (6) foot concrete block wall along the boundary between commercial and residential zones and the application of the Design Review Overlay zone will give City Council an opportunity to impose site specific conditions of approval to achieve compatible development. Therefore, the impact is less than significant.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for General Plan Amendment 4-2004 (b), Zone Change 4-2004 and Tentative Parcel Map 4-2004.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
   Georgia Hawley, Deputy
# Attachment A

## Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
</table>
| **Geologic Problems**  
3.f Erosion, changes in topography or unstable soil conditions from excavation, grading or fill. | Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required. | Conformance with the City Storm Drain Master Plan (2001) and requirements relative to grading, the Uniform Building Code, etc., will be required. | City of Porterville |
| **Water**  
4.a Changes in absorption rates, drainage patterns or the rate and amount of surface runoff. | Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). | Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). | City of Porterville |
<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring</th>
<th>Agency Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality</strong></td>
<td>Mitigation of the effects resulting from increased vehicle trips must be accomplished through proper vehicle smog inspections and related efforts to reduce petroleum fueled transit. Additional mitigation measures include adequate circulation of vehicles to lessen concentrations of carbon monoxide in the area, promotion of car pooling and public transportation in the area, and the encouragement of non-motorized transportation modes (i.e./bicycles and walking). Mitigation through construction management. 1. The City will implement Regulation VIII of the SJVUAPCD including:</td>
<td>The State of California, California Air Resources Board (CARB) and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) are expected to maintain their commitment to this program.</td>
<td>State of California CARB, SJVUAPCD, City of Porterville</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>a. The prevention of dust from leaving the construction site during clearing, grading and excavation will be accomplished through regular truck spraying with water, sprinkling systems or emulsion sprays.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. Watering or spraying will be required to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 MPH. If winds or gusting exceed 20 MPH, vehicular activity will be required to cease.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. a (continued)</td>
<td>c. One or more of the following means of dust control should be employed after the completion of earth grading operations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>i. Seeding and watering of new vegetation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. Hydromulching or spreading of soil binders.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>iii. Maintenance of the site’s soil surface crust through repeated soakings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Air Quality 5. a (continued)</td>
<td>2. Require construction equipment to be equipped with catalysts/particulate traps to reduce particulate and NOX emissions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Limit engine idling at the project site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow the sun to reach the residences during the cold winter months.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. As many energy-conserving features as possible should be included in the design/construction of the new dwellings. Examples include (but are not limited to) increased wall and ceiling insulation (beyond building code requirements), energy efficient lighting, high efficiency appliances and solar-assisted water heating.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Electric or low nitrogen oxide (NOX) emitting gas-fired water heaters should be installed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td>7. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.a (continued)</td>
<td>8. Electrical outlets should be installed around the exterior of the units to encourage the use of electric landscape maintenance equipment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. Natural gas lines and electrical outlets should be installed in the backyard or patio areas to encourage the use of gas and/or electric barbecues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas and shelters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. With the purchase of any house, included Air Quality incentive items is natural gas barbecues and electric lawnmowers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>13. Any gas-fired appliances should be low nitrogen oxide (NOX) emitting gas-fired appliances complying with California NOX Emission Rule #1121.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.a (continued)</td>
<td>14. House units should be oriented to maximize passive solar cooling and heating when practicable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15. The following regulations of the San Joaquin Air Pollution Control District (Rule 4901 - Wood Burning Fireplaces and Wood Burning Heaters) will apply to this project:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. In new residential developments with a density greater than two (2) dwelling units per acre, no person shall install a wood-burning fireplace.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. In new residential developments with a density equal to or greater than three (3) dwelling units per acre, no person shall install more than two (2) EPA Phase II Certified wood burning heaters (wood stove, pellet stove or wood-burning insert) per acre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. No person shall install more than one (1) wood burning fireplace or wood burning heater in each new dwelling unit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Air Quality</td>
<td>d. A new residential development is defined as any single or multiple family housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.a (continued)</td>
<td>unit for which construction begins on or after January 1, 2004. Construction has</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>begun when the foundation for the structure is constructed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation/</td>
<td>Mitigation measures include the careful design of the site’s future development</td>
<td>The City</td>
<td>The City of Porterville</td>
</tr>
<tr>
<td>Circulation</td>
<td>circulation patterns and conformance to the City’s development standards and</td>
<td>of Porterville</td>
<td></td>
</tr>
<tr>
<td>6.a</td>
<td>Circulation Element of the General Plan will provide partial mitigation. Subsequent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increased vehicle</td>
<td>development will be required to design and install proper and necessary traffic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>trips or traffic</td>
<td>circulation facilities for both vehicular and pedestrian traffic. Additional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>congestion.</td>
<td>mitigation measures include the development of existing and future contiguous</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>streets to their full right-of-way widths, the provision of traffic signals (a</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>traffic signal currently exists at the corner of Prospect Street and Grand Avenue)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>if necessary, and the installation of median islands and turn lanes currently exists in Prospect Street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring</td>
<td>Agency Responsible</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Utilities and Service Systems</td>
<td>The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards). The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.</td>
<td>The City of Porterville and the effected utility companies.</td>
<td>The City of Porterville and the effected utility companies.</td>
</tr>
<tr>
<td>Storm water drainage.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aesthetics</td>
<td>The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.</td>
<td>Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced.</td>
<td>City of Porterville</td>
</tr>
<tr>
<td>13.c</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Create light and glare.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR GENERAL PLAN AMENDMENT 4-2004(a), TO CHANGE THE LAND USE ELEMENT DESIGNATION FROM GENERAL COMMERCIAL TO RECREATION AND OPEN SPACE FOR THE SOUTHERLY TWO-THIRDS OF THAT 26,400± SQUARE FOOT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN CLEVELAND AND THURMAN AVENUES AND TO ALLOW FOR THE ADDITION OF THE PARK TO THE EXISTING LIST OF PARKS IN THE PARKS AND RECREATION ELEMENT OF THE GENERAL PLAN

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 15, 2004, conducted a public hearing to consider General Plan Amendment 4-2004(a), to change the Land Use Element designation from General Commercial to Recreation and Open Space for the southerly two-thirds of that 26,400± square foot site located on the east side of North Main Street between Cleveland and Thurman Avenues and to allow for the addition of the Park to the existing list of Parks in the Parks and Recreation element of the General Plan; and

WHEREAS: In conjunction with General Plan Amendment 4-2004(a), Zone Change 2-2004 proposes to redesignate the southerly two-thirds of the site from C-2 (Central Commercial) to OA (Open Area) to allow for the construction of the proposed park; and

WHEREAS: The City Council received testimony from all interested parties relative to the General Plan Amendment; and

WHEREAS: The City Council made the following findings;

1. That the proposed General Plan Amendment is consistent with the goals and policies of the General Plan in that it furthers the following objectives and polices of the Parks and Recreation Element:

   2.1 To establish a system of parks and recreation facilities sufficiently diverse in design to effectively serve the needs and desire of all the citizens of Porterville.

   2.2 To provide park and recreation facilities within close proximity to residents they are designed to serve.

ATTACHMENT
ITEM NO. 6
3.5 Park facilities shall be distributed throughout the entire City as related parts of a unified, balanced system. Each site should be as centrally located as possible within its service areas to serve the leisure needs and stimulate social interaction within the area.

3.7 The planning acquisition, development and administration of park facilities shall reflect the fullest possible coordination with other public agencies to ensure that the citizen receives the maximum from his/her tax dollar. Park facilities shall be acquired or reserved as far in advance of development of an area as possible.

4.5 Parks shall be located, wherever possible, along City arterial and collector streets. Parks located along arterial and collector streets help prevent community-wide traffic from impacting local neighborhood streets and provide important community open space, and thereby improve the pedestrian and aesthetic quality of the major street. Parks located along arterial and collector routes are more easily patrolled by police so that parks are safer.

2. That the objectives, goals and polices of the General Plan support the proposed amendment pertaining to the addition of the proposed park to the existing list of parks in the Parks and Recreation Element of the General Plan.

3. That the proposed project is consistent with the General Plan;

The amendment to the Land Use Element of the General Plan to Recreation and Open Space with the associated Zone Change 2-2004 to open space allows for public and private parks and is consistent with the General Plan and Zoning Ordinance.

4. That the site is physically suitable for the type and density of development proposed.

The site has been fully developed with a commercial building for many years. The present C-2 zoning does not prohibit lot coverage for proposed and existing buildings. However, off-street parking is required depending on the use. The General Plan Amendment and Zone Change to OA will allow for the park. As a result, two-thirds of the site will be improved with open space rather than building(s) and paved area and will be in conformance with the proposed land use.
5. That the design of the project and the proposed improvements are not likely to cause substantial environmental damage.

The site has been fully developed with a commercial building for many years. No environmental resources are known to be located on the subject site. Additionally, implementation of the mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project has determined that impacts are less than significant.

6. Pursuant to Section 1301 A-1 of the Porterville Zoning Ordinance, public and private parks are allowed in the OA Zone.

7. That a Negative Declaration was approved for these projects in compliance with the California Environmental Quality Act indicating that the project will not have a significant effect on the environment and that implementation of the projects will comply with the recommended mitigation measures.

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

The site is flat. Vehicular and pedestrian access is available on three sides. The proposed park is located in the downtown core area, making it convenient to the community as a whole which supports the City’s goal of increasing the vitality and popularity of downtown shopping and related activities. The park design is sensitive to visibility and other public safety concerns. Nearby properties are expected to be enhanced by the proximity to an attractive, well maintained and well used park.

9. 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.

The Zoning Ordinance does not specify design and parking criteria for parks. The bandstand, future building, and other structures will comply with the setbacks and minimum height requirements of the OA (Open Area) Zone. The park is intended to be used primarily by downtown patrons negating the need for additional parking. Offsite parking that once served the auto dealership was maintained and will serve the park.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve General Plan Amendment 4-2004(a) subject to the following condition:

1. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _____________________________
Georgia Hawley, Deputy
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING GENERAL PLAN AMENDMENT 4-2004(b) WHICH PROPOSES TO CHANGE THE LAND USE DESIGNATION FROM HIGH DENSITY RESIDENTIAL TO GENERAL COMMERCIAL FOR PROPOSED PARCEL 1 OF TENTATIVE PARCEL MAP 4-2004 CONSISTING OF .96± ACRES LOCATED ON THE NORTHEAST CORNER OF PROSPECT STREET AND GRAND AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 15, 2004, conducted a public hearing to consider General Plan Amendment 4-2004(b), to change the Land Use Element designation from High Density Residential to General Commercial for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres located at the northeast corner of Prospect Street and Grand Avenue; and

WHEREAS: In conjunction with General Plan Amendment 4-2004(b), Zone Change 4-2004 proposes to change the existing zoning on proposed Parcel 1 of Tentative Parcel Map 4-2004 from R-4(D) (Multiple Family Residential -“D” Overlay Site Review) to C-2 (Central Commercial - “D” Overlay Site Review).

WHEREAS: In conjunction with General Plan Amendment 4-2004(b) and Zone Change 4-2004, a scheduled public hearing will be conducted before the Porterville Parcel Map Committee for Tentative Parcel Map 4-2004 which proposes to divide a 5.1± acre vacant site into four (4) parcels and a remainder parcel as follows: Parcel 1 - 0.96± acres, Parcel 2 - 0.24± acres, Parcel 3 - 0.24± acres and the remainder parcel consists of 3.37± acres; of the site from C-2 (Central Commercial) to OA (Open Area) to allow for the construction of the proposed park; and

WHEREAS: The City Council received testimony from all interested parties relative to the General Plan Amendment; and

WHEREAS: The City Council made the following findings:

1. That the proposed General Plan Amendment is consistent with the goals and policies of the General Plan.

The proposed commercial site will have the major frontage along the full length of the proposed parcel fronting the east side of Prospect Street between Henderson Avenue and Grand Avenue which places a higher intensity use on an in-fill site at a controlled intersection along an arterial street, This supports Land Use Element Goals 1.1, 1.3, 1.4 and 1.5 and Land Use Policies 3.1 and 3.6.

ATTACHMENT ITEM NO. 7
2. The amendment to the Land Use Element of the General Plan to General Commercial with the associated Zone Change 4-2004 from R-4(D) (Multiple Family Residential -“D” Overlay Site Review) to C-2 (Central Commercial - “D” Overlay Site Review) will allow for future development of the .96± acre site to be in conformance with the General Plan and Zoning Ordinance.

3. That a Negative Declaration was prepared for this project in accordance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment and that implementation of the projects will comply with the recommended mitigation measures.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve General Plan Amendment 4-2004(b) being an amendment to the Land Use Element of the General Plan as described above.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By ______________________________
Georgia Hawley, Deputy
ORDINANCE NO. _________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 2-2004 BEING A CHANGE OF ZONING FROM C-2
(CENTRAL COMMERCIAL TO OA (OPEN AREA) FOR THE SOUTHERLY TWO-THIRDS
OF A 26,000± SQUARE FOOT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN
STREET BETWEEN CLEVELAND AND THURMAN AVENUES

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of June 15, 2004, conducted a public hearing to consider Zone Change 2-2004, being a change of
zone from C-2 (Central Commercial) to OA (Open Space) for the southerly two-thirds of a 26,000
square foot site located on the east side of North Main Street between Cleveland and Thurman
Avenues; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of June 15, 2004, conducted a public hearing to consider General Plan Amendment 4-2004(a), to
change the Land Use Element designation from General Commercial to Recreation and Open Space
for the southerly two-thirds of that 26,000± square foot site located on the east side of North Main
Street between Cleveland and Thurman Avenues and to allow for the addition of the Park to the
existing list of Parks in the Parks and Recreation Element of the General Plan; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City
of Porterville, and the laws of the State of California, has determined that the public interest would
best be served by approval of the proposed Zone Change 2-2004; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 2-2004:

1. The Land Use Element of the General Plan allows for public and private parks.

2. That the proposed zoning will conform with the Land Use Designation of the General
Plan as amended by a simultaneous action from General Commercial to Recreation
and Open Space..

3. Pursuant to Section 1301 A-1 of the Porterville Zoning Ordinance, public and private
parks are allowed in the OA (Open Area) Zone.

4. That a Negative Declaration was approved for this project in accordance with the
California Environmental Quality Act and mitigation measures incorporated into the
approval will be precedent to project implementation.

ATTACHMENT
ITEM NO. 8
5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 2-2004, is hereby rezoned from C-2 (Central Commercial) to OA (Open Space) for the southerly two-thirds of a 26,000± square foot site located on the east side of North Main Street between Cleveland and Thurman Avenues, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”, and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from C-2 (Central Commercial) to OA (Open Space) for the southerly two-thirds of a 26,000± square foot site located on the east side of North Main Street between Cleveland and Thurman Avenues; and

Section 3: That a lot line adjustment to reflect the proposed OA Zoning and remaining C-2 Zoning shall be recorded prior to the second reading of the ordinance.

Section 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

______________________________
Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By __________________________
Georgia Hawley, Deputy
ZONE CHANGE NO. 2–2004

PROPOSED CHANGE
R–4 (D) TO C–2 (D)

CITY COUNCIL
ORDINANCE NO. ________

EXHIBIT "A"
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 4-2004 BEING A CHANGE OF ZONING FROM R-4 (D)
(MULTIPLE FAMILY RESIDENTIAL - “D” OVERLAY SITE REVIEW) TO C-2 (D)
(CENTRAL COMMERCIAL - “D” OVERLAY SITE REVIEW) FOR PROPOSED PARCEL 1
OF TENTATIVE PARCEL MAP 4-2004 CONSISTING OF .96± ACRES FOR THAT SITE
LOCATED ON THE NORTHEAST CORNER OF PROSPECT STREET AND GRAND
AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of June 15, 2004, conducted a public hearing to consider Zone Change 4-2004, being a change of
zone from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (D) (Central
Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel Map 4-2004
consisting of .96± acres for that site located on the northeast corner of Prospect Street and Grand
Avenue; and

WHEREAS: In conjunction with General Plan Amendment 4-2004(b) and Zone Change
4-2004, a scheduled public hearing will be conducted before the Porterville Parcel Map Committee
for Tentative Parcel Map 4-2004 which proposes to divide a 5.1± acre vacant site into four (4)
parcels and a remainder parcel as follows: Parcel 1 - 0.96± acres, Parcel 2 - 0.24± acres, Parcel 3 -
0.24± acres and the remainder parcel consists of 3.37± acres; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of June 15, 2004, conducted a public hearing to consider General Plan Amendment 4-2004(b) to
change the Land Use Element designation from High Density Residential to General Commercial
for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres for that site located
on the northeast corner of Prospect Street and Grand Avenue; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City
of Porterville, and the laws of the State of California, has determined that the public interest would
best be served by approval of the proposed Zone Change 4-2004; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 4-2004:

1. The Land Use Element of the General Plan allows for Neighborhood and Central
   Commercial uses for this site.

2. That the proposed zoning will conform with the Land Use designation of the General
   Plan in a simultaneous action from High Density Residential to General Commercial.

3. All uses listed in Article Seven and Article Eight of the Porterville Zoning Ordinance
   are allowed uses in the C-2 (D) Zone.

ATTACHMENT
ITEM NO. 9
4. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act and mitigation measures incorporated into the approval will be precedent to project implementation.

5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 4-2004, is hereby re-zoned from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (D) (Central Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres for that site located on the northeast corner of Prospect Street and Grand Avenue, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is re-zoned from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (D) (Central Commercial - “D” Overlay Site Review) for proposed Parcel 1 of Tentative Parcel Map 4-2004 consisting of .96± acres for that site located on the northeast corner of Prospect Street and Grand Avenue; and

Section 3: That Tentative Parcel Map 4-2004 reflecting proposed Parcel 1 from R-4 (D) (Multiple Family Residential - “D” Overlay Site Review) to C-2 (D) (Central Commercial - “D” Overlay Site Review) shall be recorded prior to the second reading of the ordinance.

Section 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk

By __________________________
Georgia Hawley, Deputy
ZONE CHANGE NO. 4–2004

PROPOSED CHANGE
R-4 (D) TO C-2 (D)

CITY COUNCIL
ORDINANCE NO. _________

EXHIBIT "A"
SUBJECT: GOLF COURSE ENTERPRISE

SOURCE: Parks and Leisure Services Department

COMMENT: At the May 18, 2004 City Council meeting direction was given for comparison information on the cost for private maintenance of the golf course as well as the fees for similar nine hole courses. This report is to transmit the results of staff research on the requested information.

No other publicly owned courses could be identified that privatize only the maintenance of the course. Staff contacted three potential maintenance service firms to ascertain their opinions and estimates of the maintenance cost for our course. One firm, a property maintenance company, indicated that they would expect to employ two or two and a half maintenance workers plus a supervisor. Their estimated annual cost would be approximately $75,000 for personnel resources. A landscape maintenance company indicated that they would expect to employ four maintenance workers plus a supervisor for approximately $176,000 in annual personnel cost. The third firm, a facility management company, indicated their expectation to employ three maintenance workers and a supervisor for approximately $150,000 in annual personnel cost. The proposed FY 04-05 City budget indicates an estimated personnel cost of $105,437 for two regular employees and the equivalent of approximately one half time employee. Nominal supervision is included in the City budget estimate.

Staff recommend that there are at least two factors that would need to be discussed with a maintenance service vendor, if one is chosen for the provision of maintenance personnel services. The first would be the equipment. The City owns mowers and specialized equipment for the maintenance of the golf course. Some vendors may be interested in leasing or purchasing the City equipment and others may not be interested. The other matter is the water bill. There is an advantage to requiring the maintenance vendor to be responsible for the water bill so that adequate but not wasteful irrigation is conducted. Staff has not explored these issues with the potential maintenance vendors. Staff would recommend that the water bill become the responsibility of a contractor and that the equipment disposition be negotiated.

Staff could not identify a major benefit in the review of potential contracting of the maintenance activities. In staff's analysis there is the real possibility that the contract services would cost substantially more than current staff cost. There would also be some loss of control over the condition of the course, which could result in deterioration or loss of course elements.

ITEM NO.: 15
Regarding the golf fee comparison, staff was able to obtain information from the eight other publicly available nine hole courses in our valley region. The attached table provides the information on various fees, averages the fees of the eight courses and compares Porterville's fees to that average. Porterville's fees are higher than the average in all categories except adult weekend play, junior weekday and weekend play, punch card play and two player nine hole cart rental. In comparing the monthly pass cost it should be noted that three of the eight courses charge an additional fee for monthly pass holders to play on weekends.

A particular issue with the Porterville Men's Golf Association (PMGA) has been the City's plan to eliminate monthly passes in 2007 and provide only annual discounted passes. Currently, no new person may obtain monthly passes. This is alleged to be a reason for less play because a discounted fee is not available. Some players may only want to acquire a monthly pass for a few months, but the current program does not allow for this. It is reported that this discourages such players from playing at our course and they end up traveling to one of the other courses in the area.

Staff believe that an alternative may be the provision of quarterly passes with differential seasonal discounts. A larger discount could be given during a winter quarter to encourage play and a more minimal discount might be provided during the summer quarter. This would provide a discount for those wanting to regularly play only during a portion of the year without eroding the annual pass program. For those using the annual pass this would equate to a payment plan.

OPTIONS:  

**Golf Course Maintenance**  
- Direct Staff to prepare a Request for Qualifications and Proposal for golf course maintenance.
- Direct staff to prepare a Request for Qualifications and Proposal for golf course operations and maintenance, i.e. privatize the golf course.
- Take no action to modify the golf course maintenance personnel services at this time and request that staff continue efforts to improve maintenance efficiencies.

**Golf Course Fees and Monthly Passes**  
- Retain fees at the current level, and direct the preparation of a Resolution to remove the sunset provision on the monthly passes and authorize the sale of new monthly passes without restriction - all fees to remain at current established rates.
- Direct the noticing of a Public Hearing and preparation of a Resolution to reduce the golf course fees (or specific portions which the council may determine appropriate) to the level existing prior to April 2002, removing the sunset provision on the monthly passes, authorizing the sale of new monthly passes, and eliminating the use of monthly passes for weekend play.
- Direct the noticing of a Public Hearing and preparation of a Resolution to establish quarterly passes with differential seasonal rates - all fees to remain at current established rates.
- Retain fees at the current level and continue the plan to sunset monthly passes in 2007 - take no action to change the golf course fees.

RECOMMENDATION: That the City Council take no action to modify the golf course maintenance personnel services, and direct the noticing of a Public Hearing and preparation of a Resolution to establish quarterly passes with differential seasonal rates.

ATTACHMENTS:  
(1) Public Nine Hole Golf Course Fee Comparison  
(2) Golf Course Enterprise Operation and Options staff report of May 18, 2004
## PUBLIC 9 HOLE GOLF COURSE FEE COMPARISON

<table>
<thead>
<tr>
<th>Course Name</th>
<th>Hank's Swank Par 3</th>
<th>Exeter Public Golf Course</th>
<th>Lonesome Dove Golf Course</th>
<th>Oak Patch Golf Course</th>
<th>Lindsay Municipal Golf Course</th>
<th>Sawtooth on the St. Johns</th>
<th>Three Rivers Gold Course</th>
<th>Delano Golf Course</th>
<th>9 Hole Public Course Fee Average</th>
<th>Porterville Municipal Golf Course</th>
<th>Porterville % over (under) average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Fresno</td>
<td>Exeter</td>
<td>Coalinga</td>
<td>Visalia</td>
<td>Lindsay</td>
<td>Woodlake</td>
<td>Three Rivers</td>
<td>Delano</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private or Public Play</td>
<td>Public</td>
<td>Public</td>
<td>Public</td>
<td>Public</td>
<td>Public</td>
<td>Public</td>
<td>Public</td>
<td>Public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Fee (reg) - 9 holes</td>
<td>8</td>
<td>7</td>
<td>10</td>
<td>6</td>
<td>5</td>
<td>12</td>
<td>13</td>
<td>6</td>
<td>8.38</td>
<td>10</td>
<td>19.40%</td>
</tr>
<tr>
<td>Green Fee (reg) - 18 holes</td>
<td>13</td>
<td>13</td>
<td>15</td>
<td>11</td>
<td>8</td>
<td>16</td>
<td>20</td>
<td>9</td>
<td>13.13</td>
<td>15</td>
<td>14.29%</td>
</tr>
<tr>
<td>Green Fee (wknd) - 9 holes</td>
<td>10</td>
<td>8</td>
<td>12</td>
<td>7</td>
<td>5</td>
<td>14</td>
<td>16</td>
<td>8</td>
<td>10.00</td>
<td>10</td>
<td>0.00%</td>
</tr>
<tr>
<td>Green Fee (wknd) - 18 holes</td>
<td>15</td>
<td>14</td>
<td>17</td>
<td>13</td>
<td>9</td>
<td>18</td>
<td>27</td>
<td>11</td>
<td>15.50</td>
<td>15</td>
<td>-3.33%</td>
</tr>
<tr>
<td>Youth Fee (reg) - 9 holes</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>8</td>
<td>5</td>
<td>6.50</td>
<td>5</td>
<td>-23.08%</td>
</tr>
<tr>
<td>Youth Fee (reg) - 18 holes</td>
<td>12</td>
<td>13</td>
<td>8</td>
<td>5</td>
<td>5</td>
<td>14</td>
<td>13</td>
<td>5</td>
<td>9.75</td>
<td>5</td>
<td>-48.72%</td>
</tr>
<tr>
<td>Youth Fee (wknd) - 9 holes</td>
<td>8</td>
<td>8</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>14</td>
<td>16</td>
<td>5</td>
<td>8.25</td>
<td>7</td>
<td>-15.15%</td>
</tr>
<tr>
<td>Youth Fee (wknd) - 18 holes</td>
<td>16</td>
<td>14</td>
<td>8</td>
<td>5</td>
<td>5</td>
<td>18</td>
<td>17</td>
<td>7</td>
<td>11.75</td>
<td>7</td>
<td>-40.43%</td>
</tr>
<tr>
<td>Senior Fees (reg) - 9 holes</td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>8</td>
<td>4</td>
<td>6.63</td>
<td>10</td>
<td>50.94%</td>
</tr>
<tr>
<td>Senior Fees (reg) - 18 holes</td>
<td>12</td>
<td>13</td>
<td>11</td>
<td>5</td>
<td>8</td>
<td>14</td>
<td>13</td>
<td>6</td>
<td>10.25</td>
<td>15</td>
<td>46.74%</td>
</tr>
<tr>
<td>Senior Fees (wknd) - 9 holes</td>
<td>8</td>
<td>8</td>
<td>9</td>
<td>5</td>
<td>5</td>
<td>14</td>
<td>16</td>
<td>6</td>
<td>8.88</td>
<td>10</td>
<td>12.68%</td>
</tr>
<tr>
<td>Senior Fees (wknd) - 18 holes</td>
<td>13</td>
<td>14</td>
<td>13</td>
<td>5</td>
<td>9</td>
<td>18</td>
<td>27</td>
<td>8</td>
<td>13.38</td>
<td>15</td>
<td>12.15%</td>
</tr>
<tr>
<td>Monthly Passes - Adult</td>
<td>N/A</td>
<td>50</td>
<td>85</td>
<td>55</td>
<td>45</td>
<td>60</td>
<td>N/A</td>
<td>52</td>
<td>57.83</td>
<td>70</td>
<td>21.04%</td>
</tr>
<tr>
<td>Monthly Passes - Junior</td>
<td>N/A</td>
<td>50</td>
<td>85</td>
<td>55</td>
<td>45</td>
<td>60</td>
<td>N/A</td>
<td>21</td>
<td>52.67</td>
<td>70</td>
<td>32.91%</td>
</tr>
<tr>
<td>Monthly Passes - Senior</td>
<td>N/A</td>
<td>50</td>
<td>75</td>
<td>55</td>
<td>45</td>
<td>60</td>
<td>N/A</td>
<td>41</td>
<td>54.33</td>
<td>60</td>
<td>10.43%</td>
</tr>
<tr>
<td>Monthly Passes - Couple</td>
<td>N/A</td>
<td>70</td>
<td>100</td>
<td>N/A</td>
<td>80</td>
<td>N/A</td>
<td>N/A</td>
<td>83.33</td>
<td>85</td>
<td>2.00%</td>
<td></td>
</tr>
<tr>
<td>Monthly Passes - Family</td>
<td>N/A</td>
<td>70</td>
<td>105</td>
<td>75</td>
<td>65</td>
<td>N/A</td>
<td>N/A</td>
<td>77.20</td>
<td>85</td>
<td>10.10%</td>
<td></td>
</tr>
<tr>
<td>Additional Fees</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Quarterly Passes</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Annual Passes - Adult</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>500.00</td>
<td>700</td>
<td>40.00%</td>
</tr>
<tr>
<td>Annual Passes - Junior</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>200.00</td>
<td>700</td>
<td>250.00%</td>
</tr>
<tr>
<td>Annual Passes - Senior</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>400.00</td>
<td>600</td>
<td>50.00%</td>
</tr>
<tr>
<td>Annual Passes - Couple</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>550(seniors)</td>
<td>550</td>
<td>54.55%</td>
</tr>
<tr>
<td>Annual Passes - Family</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>700.00</td>
<td>850</td>
<td>21.43%</td>
</tr>
<tr>
<td>Punch Cards</td>
<td>N/A</td>
<td>N/A</td>
<td>10 Rounds - $1.25</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>10 Rounds - $1.25</td>
<td>10 Rounds - $0</td>
<td>-28.00%</td>
</tr>
<tr>
<td>Golf Cart Fees - 2 players (9 holes)</td>
<td>N/A</td>
<td>8</td>
<td>13</td>
<td>N/A</td>
<td>N/A</td>
<td>9</td>
<td>12</td>
<td>12</td>
<td>9.00</td>
<td>9</td>
<td>0.00%</td>
</tr>
<tr>
<td>Golf Cart Fees - 2 players (18 holes)</td>
<td>N/A</td>
<td>12</td>
<td>20</td>
<td>N/A</td>
<td>N/A</td>
<td>18</td>
<td>20</td>
<td>18</td>
<td>14.67</td>
<td>18</td>
<td>22.73%</td>
</tr>
<tr>
<td>Golf Cart Fees - 1 player (9 holes)</td>
<td>N/A</td>
<td>5</td>
<td>8</td>
<td>N/A</td>
<td>N/A</td>
<td>9</td>
<td>6</td>
<td>6</td>
<td>5.67</td>
<td>9</td>
<td>58.82%</td>
</tr>
<tr>
<td>Golf Cart Fees - 1 player (18 holes)</td>
<td>N/A</td>
<td>7</td>
<td>9</td>
<td>N/A</td>
<td>N/A</td>
<td>12</td>
<td>10</td>
<td>9</td>
<td>8.33</td>
<td>18</td>
<td>116.00%</td>
</tr>
</tbody>
</table>

*pass good for weekdays only; weekend rates apply

** Jun-04
SUBJECT: GOLF COURSE ENTERPRISE OPERATION AND OPTIONS

SOURCE: Parks & Leisure Services Department

COMMENT: A review of golf course privatization was called for as a part of the recently developed 18 month budget strategy. The Parks and Leisure Services Director has reviewed the report from last year on the same subject, discussed the course operations with the current and previous PGA golf professionals, met with the Porterville Men’s Golf Association (PMGA), researched other agency course lease provisions, and discussed concerns of the course operations with nearby residents. The rationale for considering privatization of the Porterville Municipal Golf Course has been stated as a concern that the current enterprise fund arrangement is not self-supportive.

The Porterville Municipal Golf Course is a 9 hole, 3,000 yard facility with approximately 30,000 rounds of play per year. The course is at the national median for municipal courses in the amount of play that occurs. The facility could accommodate an increased amount of play, however, the course is not of the type that will attract golfers from out of the local area.

Typically, municipal courses operate to provide the most availability to the largest number of citizens for recreational purposes. They are typically either managed and operated by government entities on a nonprofit basis, or leased to private concessionaires, who run them on a profit-oriented basis. Municipal courses are the simplest golf course variety, designed to accommodate heavy daily play to appeal to a wide variety of players.

The largest expenditures for the municipal course are for city maintenance staff, utilities, and the Pro operations. The city staff expenditures equate to approximately 33% of the operations budget, with utilities being another 16% and Pro operations comprising 17%. The City has two maintenance workers assigned full time to the golf course and uses supplemental part time workers as needed. The largest utility cost is for purchase of City water for irrigation, an expenditure of approximately $31,000 per year. The Pro receives percentages of the fees and is responsible to retain club house staffing and supplies, and manage the course operations.

The current golf course enterprise does not generate sufficient revenues to meet regular expenditures, and therefore funding for the capital improvement program, administrative overhead and aggressive maintenance also does not exist. Some drop off in play and potential revenue loss was expected after the fee increase in April 2002. The amount of play may be beginning to pick up and the revenues for 2004 are holding close to or very slightly above the same period in 2003. However, play at the course is down from previous years in which records are available. Attached is a table illustrating the amount of players in various categories over the past four calendar years.

ITEM NO.: _________

Dir. Allocated/Funded C.M.
Since the year 2000 the amount of adult daily green fee players is down by 3,363, a loss of 24% of the adult daily players in year 2000. Junior players are down by a total of 1,636, a loss of 47% of the junior players in year 2000 when considering the high school junior varsity play and junior daily play combined. The schools no longer have junior varsity golf teams because of budget restrictions.

Monthly and annual ticket holder play is also down by 2,957, a loss of 16% of the similar players in year 2000. The table also illustrates the number of monthly and annual ticket holders. This shows that we have lost 427 ticket holders, or 44% of the ticket holders in year 2000. The PMGA has suggested that monthly tickets be re-established and an evaluation be made into opening the course for play on Mondays to encourage additional play. They have also suggested that a single occupant golf cart fee be established to encourage more cart use.

A second table attached hereto illustrates the revenues and expenditures during the past three fiscal years and the current year through March 31, 2004. For the current fiscal year, total revenues are down by approximately 10% from year 2000-2001, while expenditures are down only 3% for the same time period.

A deficit to the enterprise fund of more than $400,000 has evolved over an undetermined number of years, largely prior to the last fee increase. The City has also deferred constructing capital improvements, which if included in the enterprise operations, could increase the annual enterprise expenditure by an additional 10% to 15%. Additionally, the City has not assessed the golf course enterprise an administrative overhead charge, similar to the 9% charge most other enterprises are assessed.

It therefore appears that the facility is operating on an approximate 60% to 70% cost recovery basis. This rate is well within par for many leisure service facilities, but not adequate for an enterprise operation. Staff have developed, therefore, five options for City Council consideration on the future of the municipal golf course.

**OPTIONS:**

1. Keep the golf course operations as currently established and, as time permits, continue to look for supplemental funding, including grant opportunities and local donations to support improvements to the course facilities. Methods to economize in operations, and fee structure enhancements would also be explored under this option. This could include the issue of monthly passes and the days of the week that the facility is open.

2. Similar to the first option, this would continue the current arrangements but also direct staff to prepare a report on the feasibility of alternative water sources for irrigation of the golf course, as well as modifications to the monthly and annual pass programs. In addition to evaluating the re-institution of monthly passes a ‘use fee’ proposal would be prepared for council consideration. The ‘use fee’ is envisioned to be accessed to monthly and yearly pass holders for each round of golf play. The
'use fee' would be expected to make up the difference between the anticipated operation expense and anticipated revenues. Some effort would also be put into exploration of alternative funding to support capital improvements.

The golf course is faced with the possibility of more than $3,000 increase in water cost this year under the City's new water conservation program. A preliminary engineering evaluation of alternative irrigation water possibilities has been prepared by the Engineering Department. This evaluation determined that three alternative water sources may be available to partially or wholly eliminate the need for purchase of City water for irrigation. The alternatives include purchase of water from the adjacent Fairway Acres well system, use of the Pioneer Ditch water, and development of wells on the golf course. An order of magnitude capital investment cost ranges between $100,000 and $500,000 for these alternatives. If this option is of interest to the Council staff would request the authorization to retain consulting services to conduct a more detailed analysis, including the potential positive and negative impacts upon the City water enterprise.

3. Prepare and circulate a Request for Proposals for Operations and Management of Porterville Municipal Golf Course, and provide Dale Bartlett with 180 day notice of termination of his contract. Provisions that should be required in a Request for Proposals include: a minimum of five years experience in the operation of a golf course facility, providing evidence of financial capacity to equip and operate the golf course facilities, and supplying sufficient business proposal information for expected green fees, annual gross receipts, maintenance budget, as well as a description of services to be provided.

If the facility is to be privatized the concessionaire/lessee will likely request the ability to modify operations and ensure that fees are sufficient to make the operations profitable. It is likely that annual Capital Improvement Program investments by the City will also be necessary in order to preserve the facility and make it marketable. In addition, a concessionaire/lessee will likely require that the City refrain from developing any other course that would compete with the local golf market during the term of the lease. The City's future ability to directly support constituent interest in golf recreation would thereby be limited to the option of City subsidy to the private concessionaire/lessee.

Some consideration would need to be given to the existing enterprise fund debt at the time of lease consideration. If the City should not be successful in negotiating a lease it would need to expeditiously recruit and contract with a golf pro to maintain operations. Staff suggests that improvements can be made in the cost efficiency of the course operations, and that a concessionaire/lessee could, to some extent, more easily implement some changes (but not all) without institutional issues that the City would face.

4. Eliminate the golf course enterprise and forgive its debt to the general fund, provide Dale Bartlett with notice of termination of his contract with the intent to retain his
services as an at-will employee, and prepare a new organization plan and budget making the golf facility a general fund component of leisure services, including golf professional services, club house operations staffing, a course superintendent position, and implementation of a capital improvement program; all to be effective October 1, 2004.

Annual cost to the general fund not offset by current revenues is preliminarily estimated to be $80,000 to $100,000. This cost would be primarily for capital improvements and enhanced staffing, and could be partially offset by improvements in operations, slight changes in the fees, and by obtaining other funding. This option would put the golf course in direct competition for funding with other General Fund services. In the event that funding priorities in any given year dictate that the golf course not receive its full operations budget there would need to be consideration of fee increases and/or curtailment of golf course operations.

5. Explore the possibility of selling the majority of the golf course property to a residential developer in exchange for the development of a new 18 hole City course to be located elsewhere on City lands. There has been a question in the past about the restrictions upon the City for the lands upon which the current course exists. In researching the records, staff believe that the conveyance restrictions may not be well established and valid. If this option is of interest to the Council staff would ask for the ability to conduct further record research. It is possible that legal action would be needed to formally resolve the land restriction question.

This option offers potentially the most economical method of the City obtaining an 18 hole golf course. Such a golf course would offer greater play opportunities and be an attraction to golfers in a larger region. A modern designed course could be more operationally efficient and become a facility for holding community events and functions. If placed on the west side of town it would be able to utilize reclaimed wastewater for irrigation, thus benefitting the wastewater treatment enterprise.

Closure of the existing course may be deemed to be more compatible to neighbors who are plagued by property damage and concern with personal injury resulting from errant hit golf balls.

**RECOMMENDATION:** That the Council consider the options presented and provide staff with direction for further development or research on a preferred option.

**ATTACHMENTS:** Locator map
Table 1 - Annual Golf Course Use
Table 2 - Golf Course Revenue and Expenditures
Parks & Leisure Services Director’s Research Findings of March, 2004
Golf Course Water Service Options memorandum of April 29, 2004
Golf Course Funding Strategy staff report of June 3, 2003
Property Owner Letters
Golf Course Operations Agreement with Dale Bartlett
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>13,797</td>
<td>0</td>
<td>2,778</td>
<td>0</td>
<td>12,696</td>
<td>0</td>
<td>736</td>
<td>0</td>
<td>30,007</td>
<td>0</td>
<td>952</td>
<td>0</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>2001</td>
<td>13,037</td>
<td>-760</td>
<td>2,009</td>
<td>-769</td>
<td>13,564</td>
<td>868</td>
<td>439</td>
<td>-297</td>
<td>29,049</td>
<td>-958</td>
<td>993</td>
<td>41</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>2002</td>
<td>11,313</td>
<td>-2,484</td>
<td>1,981</td>
<td>-797</td>
<td>12,384</td>
<td>-312</td>
<td>648</td>
<td>-88</td>
<td>26,326</td>
<td>-3,681</td>
<td>681</td>
<td>-271</td>
<td>22</td>
<td>14</td>
</tr>
</tbody>
</table>
### Table 2
CITY OF PORTERVILLE
GOLF COURSE
REVENUES AND EXPENDITURES

<table>
<thead>
<tr>
<th></th>
<th>FY 00-01</th>
<th>FY 01-02</th>
<th>FY 02-03</th>
<th>FY 03-04</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Fees</td>
<td>150,428.00</td>
<td>140,786.80</td>
<td>145,985.26</td>
<td>101,553.66</td>
</tr>
<tr>
<td>Cart Rentals</td>
<td>47,688.00</td>
<td>46,675.00</td>
<td>49,221.00</td>
<td>36,702.00</td>
</tr>
<tr>
<td>Locker Rentals</td>
<td>1,735.00</td>
<td>5,500.00</td>
<td>2,088.00</td>
<td>1,275.00</td>
</tr>
<tr>
<td>Monthly Tickets</td>
<td>57,325.00</td>
<td>48,435.00</td>
<td>40,730.00</td>
<td>23,445.00</td>
</tr>
<tr>
<td>Annual Passes</td>
<td>3,600.00</td>
<td>13,900.00</td>
<td>23,650.00</td>
<td>12,500.00</td>
</tr>
<tr>
<td>Other Revenues</td>
<td>90.00</td>
<td>55.00</td>
<td>75.00</td>
<td>45.00</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>260,866.00</td>
<td>255,351.80</td>
<td>261,749.26</td>
<td>175,520.66</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries &amp; Benefits</td>
<td>80,078.67</td>
<td>84,833.97</td>
<td>90,894.61</td>
<td>75,439.68</td>
</tr>
<tr>
<td>Maintenance</td>
<td>58,062.61</td>
<td>63,955.05</td>
<td>67,335.56</td>
<td>48,751.97</td>
</tr>
<tr>
<td>Services</td>
<td>66,342.15</td>
<td>63,632.02</td>
<td>64,148.21</td>
<td>38,269.25</td>
</tr>
<tr>
<td>Supplies &amp; Materials</td>
<td></td>
<td>532.04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Operating</td>
<td>49,593.34</td>
<td>55,511.39</td>
<td>51,500.68</td>
<td>33,926.17</td>
</tr>
<tr>
<td>Risk Management</td>
<td>8,114.00</td>
<td>8,114.00</td>
<td>8,114.00</td>
<td>6,086.00</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>18,099.92</td>
<td>18,723.31</td>
<td>35,944.51</td>
<td>734.50</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>260,290.69</td>
<td>295,301.78</td>
<td>317,937.57</td>
<td>203,207.57</td>
</tr>
</tbody>
</table>

| **Net Loss**         | (19,424.69)| (39,949.98)| (56,188.31)| (27,686.91)|
RESEARCH FINDINGS - PORTERVILLE MUNICIPAL GOLF COURSE
March, 2004

The Parks & Leisure Services Director made the following findings during investigation for the preparation of this report:

1. The majority of the golf course property was acquired by the City in 1945, already substantially developed as a golf course, but with no apparent restrictions on its use. In 1947 the City sold the land for nominal value with simultaneous reconveyance to the City including restrictions on use of the land.

2. Today, the course is in fair to good condition with some amenities, such as the driving range, being of marginal quality, presenting a poor image, and requiring high operating efforts.

3. Fees were last established in April 2002. Daily green fees are: general at $10.00 ($15.00 for 18 holes), junior at $5.00 ($7.00 for weekend), monthly passes at $60 for seniors, $70 for general, and $85 for family, yearly passes equate to 10 times a monthly pass. Several monthly and yearly pass holders play many rounds almost every week. Only those currently holding monthly passes are eligible for the monthly pass entitlement and the monthly pass program is to be eliminated in 2007.

4. The 1997 Capital Improvement Program has largely been ignored with virtually none of the improvement projects performed, nor have enhancements been made to improve maintenance efficiencies and cost savings.

5. There is little or no buffer for out-of-bounds balls before they reach the public travel and private yard areas; tall screens have been installed in some areas to minimize public risk and nuisance; maintenance of the screens has been largely neglected.

6. The City does not have a designated golf course superintendent staff position to oversee maintenance, and a documented maintenance program does not exist.

7. The City has not sought other funding sources, such as corporate sponsorship, or grant funding.

8. The City has excellent equipment and a well funded equipment replacement account for the equipment needed to maintain and operate the course, but there is not a sufficient number of carts to attract large tournaments.

9. The Pro has a five year contract expiring in February 2007, and is responsible for managing and staffing the club house.

10. The Pro provides a satisfactory level of lessons, junior clinics, and a limited size summer travel league.

11. The Pro is required to spend too much time as a clerk in the club house and therefore cannot expand general lesson, junior clinic, and travel league efforts.

12. The City owns 900 acre feet per year of water rights to the Pioneer Ditch; Murry Park pays for 29 acre feet per year of Pioneer Ditch water which flows through the golf course and Murry Pond; The golf course uses a total of 100 acre feet per year of city water for irrigation with approximately 65 acre feet needed during the summer period.
MEMORANDUM

DATE: April 29, 2004

TO: Jim Perrine, - Director of Parks & Leisure Services

FROM: Baldo Rodriguez - PWD

SUBJECT: Golf Course Water Service Options

On April 7, 2004, you requested that Public Works provide cost estimates for three (3) different options to irrigate the municipal golf course. The options selected and estimate of probable cost to construct are as follows:

Option 1: Connect the Fairway Acres well system (may be up to 2 wells) to the golf course irrigation system with approximately 750' of 6" diameter pipe. Construct a 200,000 gallon reservoir in the vicinity of the #1 Tee box. Provide a 500 gpm booster pump (30 - 40 hp range).

Estimated probable cost - $433,000 (includes design, contingency, project management and inspection).

Option 2: Install 500 gpm booster pump in the vicinity of the Murray Park Pond, pipe to golf course with approximately 500' of 6" diameter pipe and connect to golf course irrigation system in the vicinity of the #7 Tee box.

Estimated probable cost - $112,000 (includes design, contingency, project management and inspection).

Option 3: Construct 3 - 175 gpm wells at the golf course, construct a 5,000 gallon hydro-pneumatic tank at each well site, control valves, controller and other appurtenances.

Estimated probable cost - $480,000 (includes design, contingency, project management and inspection).

Overview/Summation:

Each project has its benefits and disadvantages. Option one relies on external wells of which we know very little about and requires the construction of an expensive reservoir. In lieu of a steel water tank, an excavated pond can be substituted and incorporated into golf play. Option two makes the most sense from a financial standpoint but there is some risk associated with Pioneer Water Company's ability to deliver a uniform stream of water. Option 3 is risky and expensive. Our experience in this area strongly suggests that we will not find any substantial amount of water at the golf course. The well idea at the golf course is a big risk in Engineering's opinion.

cc: John Longley
    Mike Reed

Y:\Engineering\Project Files\Baldo Rodriguez\Misc Project Files\Water Options - Golf Course.wpd
SUBJECT: GOLF COURSE FUNDING STRATEGY

SOURCE: Parks and Leisure Services

COMMENT: On December 17, 2002, the City Council recommended that staff present a funding strategy on the Porterville Municipal Golf Course. Several options are presented for Council's consideration.

1. The Consolidated Annual Financial Report indicated that since the Golf Course is losing money each year the activity may then not continue as an enterprise, but instead be included in the City's General Fund account which should be subsidized if needed each year.

2. City rate adjustments last year have helped. We are at a $2,433.88 deficit as of April 30th, 2003, but the long term consequences must be addressed.

3. A portion of the enterprise determination must be based on the appraised value of the Golf Course and its assets. For example the land for the enterprise is valued at only $102,048. Even if land values may be adjusted to market values for the use, the long term financial picture must be addressed.

4. The major strategic issue is to solve the anticipated deficit at the Golf Course. One option is to lease the entire maintenance and operation of the course to a private operator. Listed are City operation vs. private operation issues.

<table>
<thead>
<tr>
<th>CITY OPERATION</th>
<th>PRIVATE OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff — City staff are trained, responsible and correct problems as they occur. Wage rates and benefits are higher than private sector.</td>
<td>The private sector can offer lower wage and benefit rates. It is more difficult to find management to take over a nine hole course compared to an 18 hole course because profit center normally is less.</td>
</tr>
<tr>
<td>Equipment — City has an equipment replacement program which ensures the equipment is maintained in proper order. The program is expensive to operate.</td>
<td>Private sector can lease back or purchase our equipment.</td>
</tr>
<tr>
<td>Control — City has direct control of course.</td>
<td>Private operator would be under contract to perform. City would inspect course only. If a green died it could cost private operator $12,000 to $30,000 to replace.</td>
</tr>
</tbody>
</table>

ITEM NO.: 17
| Capital Improvement Projects—The City budgets projects as funding allows. | Private operator would pay City a fee for leasing the course. Fees would be set aside for capital improvement projects. |
| Utilities—City pays regular water rates which equate to $38,000 to $45,000 per year. | Private operator would have to pay City rates, and for all electric and gas meters. |
| Contract—City has a contract with Golf Pro, Dale Bartlett, for Professional Services to collect green fees and golf cart revenue, operate concession, and provide golf instruction. He receives 20% of green fees and 25% of golf cart revenue. His contract ends 01/01/07. The Agreement may be terminated without cause by either party, within 90 days written notice. Mr. Bartlett provides basic maintenance to the inside of the club house only, not maintenance on the golf course. | Private operator would be responsible for providing services under a contract requiring operation and maintenance of the course. They would collect all revenue depending on the contract and pay for all services including a lease fee to City. |
| Fee Rate Structure—Fees are raised as determined and approved by the City Council. | Fees would be automatically built into private operator’s contract. |

5. Competitive Environment—Porterville competes with numerous courses in the surrounding areas. Courses in Visalia, Tulare, Delano, Wasco, Kern River, North Kern, and Buena Vista all compete for play. Although the courses immediate to Porterville have the greatest competitive impacts on Porterville Municipal the conditions of the golf market for Kern County has impact on regional transfer play even on a nine hole golf course. Kern courses recently increased fees and dropped the monthly cards which brought them more in pricing lines with Tulare County. Most competition comes from Tulare and River Island which are both 18 hole courses. For example, River Island has a special on for 18 holes of golf plus a cart for $20, must have four players, after 4:00 p.m. each day. This is lower than our rate on a nine hole course. Since our fees were raised last year there is no recommendation on fee increases this year because we are in line with fees in other areas. Because of the State economy, golf courses in our area are very price sensitive and are experimenting with special pricing to increase play. Another option is to look into using price specials at periods of low play on the golf course.

Overall review suggests that a private operator of the maintenance and operation of the Golf Course may be a more cost effective operation if they are able to keep up with the maintenance of the course. The savings would be in wages, benefits, and eventually on equipment and lower overhead. Inspection by the City of the private operator’s maintenance and operation of the course is key to the success of a private agreement. If the course is not maintained properly by the operator it could cost the City additional funds to bring the course back to playing shape.
RECOMMENDATION: That the City Council as part of the Golf Course Funding Strategy consider this matter during the annual budget review meeting making the golf course a General Fund Account and/or determine if necessary to begin the process of private operation of the golf course.

ATTACHMENTS: Porterville Municipal Golf Course Fees
RESOLUTION NO. 38-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING FEES AND CHARGES FOR THE CITY OF PORTERVILLE MUNICIPAL GOLF COURSE

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that the following Fees and Charges are hereby adopted to become effective on April 1, 2002:

<table>
<thead>
<tr>
<th></th>
<th>9-Hole</th>
<th>18-Hole</th>
<th>Monthly Ticket*</th>
<th>Senior Citizen (62 &amp; over)</th>
<th>Single</th>
<th>Family</th>
</tr>
</thead>
<tbody>
<tr>
<td>General:</td>
<td>Weekday - $10.00</td>
<td>$15.00</td>
<td></td>
<td></td>
<td>$60.00</td>
<td>$70.00</td>
</tr>
<tr>
<td></td>
<td>Weekend - $10.00</td>
<td>$15.00</td>
<td>Monthly Ticket*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Senior Citizen (62 &amp; over)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Single</td>
<td>$600.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Family</td>
<td>$700.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$850.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juniors:</td>
<td>Weekday - $5.00</td>
<td>no change</td>
<td>Annuals:</td>
<td>Single</td>
<td>$700.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weekend - $7.00</td>
<td>no change</td>
<td></td>
<td>Senior</td>
<td>$600.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Family</td>
<td>$700.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$850.00</td>
<td></td>
</tr>
<tr>
<td>Golf Cart Fees:</td>
<td>$9.00</td>
<td>$13.00</td>
<td>Punch Card:</td>
<td>$90 for Ten 9-hole rounds</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Special provisions will be set out to phase out monthly tickets over a five year period, but to participate, a golfer must sign up in June, 2002.

Dated this 19th day of March, 2002.

Gordon T. Woods, Mayor

ATTEST:

John Longley, City Manager
March 4, 2004

Claudia Fox
P.O. Box 1723
Porterville, CA 93258

Jim Perrine, Dir. of Parks & Leisure
291 North Main
Porterville, CA 93257

Dear Mr. Perrine,

As per our conversation on Thursday, 3.04.04 this is the letter that you requested. At your suggestion I would like to remain apprised in regards to this matter as it is addressed by yourself and the City of Porterville. Thank - You.

Today I had a “life threatening” experience, that I never want to experience ever again. I was crossing the lawn in my front yard (located at 766 E. Putnam), when a flying golf ball came whizzing past my head to hit the tree behind me and bounce back missing me (barely) for a second time, to land on the grass in front of me.

In the recent past my personal property has been destroyed, e.g. I have had too replace 2 front windshields and 1 rear window. There are multiple dents in my vehicles caused by flying golf balls and the metal awnings over my front windows have been dented knocking off the protective coating causing them to rust. All of this and more, all due to flying golf balls.

I am looking to you and the City of Porterville for a solution. Myself as well as my neighbors are very hopeful that you, unlike your predecessor, will be able to take action to resolve this constant health hazard as well as the destruction of private property.

Sincerely,

Claudia Fox

P.S. At approximately 2:00 PM, I spoke with “Lee” she said that she would give you this information and ask you to call me.
March 4, 2004

Claudia Fox
P.O. Box 1723
Porterville, Ca 93258

Jim Perrine, Dir. of Parks & Leisure
291 North Main
Porterville, CA 93257

Dear Mr. Jim Perrine

Again I would like to Thank You, for all the information that you gave me in regards to what actions may be taken in the event that this or a similar occurrence were (really, it is just a matter of time) to take place in the future, inflicting bodily harm and/or causing personal property damage.

When my first property loss occurred (the first of 3 windows broken out of my cars etc., refer to my first letter dated 3.4.04) as I stated to you during our phone conversation, today, I was informed at the golf course that it was not their responsibility and then the police officer that responded to my call, said that since the alleged perpetrator denied any guilt, it was "my word against his". So basically until now I have just been paying out of pocket to fix the damages to my property. I did not, and was not informed that I could file a claim with the City Clerk for damages.

I was and still remain very shaken by this afternoons circumstances. There is no doubt in my mind had I or anyone else been struck by that golf ball, very serious, if not lethal damages would have been inflicted.

Looking forward to a speedy resolution and hearing from you soon.

Sincerely,

[Signature]

Claudia Fox
PORTERVILLE MUNICIPAL GOLF COURSE OPERATIONS

AGREEMENT

THIS AGREEMENT, entered into at Porterville, California, by and between the CITY OF PORTERVILLE, a Municipal Corporation of the State of California, hereinafter called "City," and L. DALE BARTLETT, hereinafter called "Operator."

RECITALS

Whereas, the City is the owner of a public golf course located within the City of Porterville and known generally as the Porterville Municipal Golf Course; and

Whereas, the City maintains said golf course for the purpose of making available to the general public the facilities thereon; and

Whereas, in the operation of said golf course, the City desires to make available public restaurant service, professional golfing instruction and other services related to golfing; and

Whereas, Operator desires to undertake and to perform the services set forth above and other services as hereinafter set forth; and

Whereas, throughout the term of this agreement Operator shall be an accredited Class "A" PGA professional, or apprentice (completion of GTPP Level I), in good standing.

NOW, THEREFORE, it is agreed between the parties hereto as follows:

1. The City grants to Operator, and Operator hereby accepts the exclusive right and obligation to undertake on the Porterville Municipal Golf Course, the following specified duties and uses only:

   a. On site sale of food, soft drinks and beer (Operator is responsible for obtaining requisite ABC License at his or her sole cost and expense).

   b. Sale of golf equipment and miscellaneous merchandise incidental to the game of golf.

   c. Rental of City golf carts (City pays percentage to Operator), golf equipment and other equipment incidental to the game of golf.

   d. Providing golfing services such as professional golf instructions and professional golf lessons, driving
range, conducting of tournaments and similar competitions.

All of the above specified uses hereby granted under the terms of this agreement shall be permitted, carried on and exercised at locations approved by the City Manager of the City of Porterville, or his designated representative, and at no other place or location than the Porterville Municipal Golf Course.

2. The term of this agreement shall be for five years commencing on February 19, 2002. As soon as practicable after the end of the fourth year of the term of this agreement, and provided that Operator is not in default, and provided further that the City Council of the City of Porterville is satisfied with Operator's performance up to that time, Operator shall have the option to renew this agreement for an additional five (5) years, i.e., from January 1, 2007 to December 31, 2011; and upon notification of same by the parties shall forthwith commence negotiations for the renewal period.

3. Operator agrees to exercise all rights herein granted subject to, and in accordance with, the rules and regulations of the City Council of the City of Porterville that are now, or may hereafter be, in effect; and the City Manager, or his designated representative, shall provide supervisory control, direction and enforcement of such rules and regulations, and other terms and conditions of this agreement, on behalf of the City of Porterville. These rules and regulations will include, but are not limited to:

a. Enforce proper etiquette including allowing faster players to play through, leave green immediately when completing a hole, no spectators under the age of 12 years be permitted on the course, avoid practice swings which will damage the course, smooth holes and footprints left in sand traps, replace divots, repair damage to greens such as ball marks and spike marks and the movement of riding and/or pull carts. Operator, or his designee, agrees to physically marshall the course by inspecting play from golf cart.

b. Act as starter in conducting starting times, priority for groups and insuring that all players register prior to playing on the course.

4. At the end of the term of this Agreement, or at its earlier termination for any reason whatsoever, Operator agrees to deliver possession of any part of said Municipal Golf Course utilized by Operator, and to clean and restore said premises in a condition satisfactory to the City of Porterville.

5. Operator agrees that he or she will procure and maintain in force throughout the term of this Agreement an insurance policy or policies insuring Operator and the City against public liability and property damage in the following minimum amounts, to wit:
a. Comprehensive form of commercial general liability, which shall be primary as respect to the City of Porterville, with aggregate limits not being reduced by prior claims, and naming the City of Porterville, its officers, employees, agents and assigns, as additional insured, in at least the following amounts:

1. Bodily injury, including death to one or more persons, each occurrence: $1,000,000.00.

2. Products/completed operations hazard, each occurrence: $1,000,000.00.

3. Damage to property, each occurrence: $100,000.00, with no deductible.

4. Liquor Liability: $1,000,000.00.

b. Workers’ compensation insurance, conforming to all applicable statutory limits, and covering all employees of Operator.

All insurance shall be carried with insurance companies having a Best rating of not less than A:VII, and which are admitted and authorized to do business in the State of California by the Insurance Commissioner of California. A renewal policy shall be procured not less than ten (10) days prior to the expiration of any such policy. The policies of insurance as above provided, or certificates of the insurers evidencing insurance carried, shall be deposited with the City Clerk of the City immediately upon the execution of this Agreement. Should the required insurance coverage, for any reason whatsoever, be canceled, the insurer is required to provide the City with thirty (30) days notice of such cancellation.

6. Operator hereby agrees to hold the City, its elective and appointive boards, officers, agents and employees, harmless from any liability for damage, or claims for damage, for personal injury, including death, as well as from claims for property damage which may arise from Operator operations under this Agreement, or by any one or more persons directly or indirectly employed by, or acting as agent for, Operator. Operator agrees to, and shall, indemnify and defend the City and its elective and appointive boards, officers, agents and employees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations, provided as follows:

a. That the City does not, and shall not, waive any rights against Operator which it may have by reason of the aforesaid hold harmless agreement or because of the acceptance by the City, or the deposit with the City by Operator, of any of the insurance policies or certificates of insurance described in this agreement; and
b. That the aforesaid hold harmless agreement in favor of City shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reasons of any of the acts of Operator regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

7. Operator further agrees as follows:

a. Not to assign or sublease this Agreement, or any part thereof, without the written consent of the City first had and obtained, which consent may be withheld by the City at its sole discretion, and the consent to one assignment or one subletting shall not be construed as a consent to any further assignment or subletting.

b. To pay the costs of janitorial services inside the clubhouse and locker room, and the cleaning of windows (inside and outside).

c. Not to violate, permit or suffer the violation of any law, regulation or ordinance of any political subdivision in effect at said premises.

d. To pay the cost of telephone services utilized by Operator at said premises.

e. To pay for water costs for irrigating training area of the golf course driving range, payable on a monthly basis; maintain range to include regular trash and ball pick up, and screen and fence replacement. The City will mow the driving range.

f. Operator shall rent city golf carts to the public. The Operator shall receive 25% of gross revenues for renting the carts. The City shall be responsible for major maintenance of the City owned golf carts. The Operator will be responsible for cleaning of the carts and minor preventative maintenance including checking oil, batteries, tires, general cart condition and reporting cart repair needs to appropriate maintenance staff.

8. Operator shall not commit, or suffer to be committed, any waste upon said premises, or any nuisance, or other act or thing which may disturb the quiet enjoyment of the neighborhood or citizens utilizing said golf course.

9. Operator warrants that he has inspected the premises and accepts them in their present condition and “as is”. Operator may from time to time, at his own cost and expense, make alterations to the premises provided Operator obtains from the City written approval of said alterations and after obtaining any other permits or licenses as required by law.

10. In the exercise of this agreement, Operator will provide food, including, but not limited to, hot sandwich service and beverage service to the public during that period of time which coincides with the hours of golf play at said Municipal Golf Course. Operator may also
provide said food and beverage service at other times in accordance with the regulations and approval of the City. In this regard, Operator shall, at his sole cost, provide all necessary fixtures and equipment for the purpose of supplying said services.

11. Operator shall, at all times when the Golf Course is required to be open to the public, and subject to the supervision of the City Manager of the City of Porterville, or his designated representative, perform those duties required of the professional manager of said Municipal Golf Course; and, in the absence of Operator from the premises, Operator shall provide a qualified starter at said Municipal Golf Course, and shall further conduct himself at all times in a manner that shall reflect credit upon himself and upon the City of Porterville.

12. For the services of Operator as professional-manager of said golf course, the City agrees to pay to Operator as consideration the following:

   Twenty percent (20%) of all fees collected for lockers, monthly tickets, green fees.

   Twenty-five percent (25%) of all cart fees collected.

Operator is also entitled to three (3) complimentary monthly tickets. This includes the operator and two employees only.

Operator is not an employee of the City of Porterville, and is therefore ineligible for vacation, sick leave or retirement benefits that may now, or hereafter, be available to employees of the City of Porterville. However, Operator will continue to receive the basic consideration as set forth above, although Operator’s absence from the premises may occur from time to time for reason of sickness or vacation. Notice of vacation absences shall be given in advance to the City Manager, or his designee, and shall be held at a reasonable time as determined by the City Manager, or his designee. Said consideration provided for in this paragraph shall be paid to Operator by the City monthly on the basis of the revenue as set forth and received from the preceding month. All funds received at the course will be operated through the City’s cash register for accounting purposes.

13. Prior to conducting any business as contemplated herein, and at all times during the term of this agreement, Operator shall secure a business license from the City of Porterville and provide proof of such license to the Director of Parks and Leisure Services for the City of Porterville.

14. Operator agrees that the golf course shall be open for use six (6) days a week, and shall be opened every Monday that is declared to be a state and/or local holiday, except the course will not be open on the following holidays, whether falling on a Monday, or otherwise: Thanksgiving Day, Christmas Day and New Year’s Day.
15. This Agreement with Operator is in consideration of the services that Operator shall perform as the professional-manager of the Porterville Municipal Golf Course. In the event said services by Operator are terminated, then this Agreement may, at the option of the City, be immediately terminated and canceled. In the event Operator breaches or fails to comply with any terms or conditions of this Agreement, then, at the option of the City, this agreement shall be immediately terminated, and Operator shall immediately surrender possession of any premises and/or rights herein granted.

16. With respect to the performance of the duties and obligations arising under this Agreement, it is mutually understood and agreed that Operator will be acting as an independent contractor. Nothing in this agreement is intended, nor shall be construed, to create a partnership, an employer/employee relationship, a joint venture relationship, or any other relationship between Operator and the City.

17. The Operator will annually transmit to the City an audit, prepared by a CPA, of all golf-related revenues received by Operator, within 60 days after the close of each fiscal year during the term of this contract.

18. Alcohol and drug testing is a condition of approval for this agreement. The Operator shall submit to an alcohol and/or drug test conducted by the City Physician at the City's expense. The Contractor shall submit immediately to an alcohol and/or drug screen test when requested by the City during the term of this Agreement. Refusing to provide a urine specimen as requested by the City Physician will result in the termination of the Agreement.

19. It is contemplated by the parties herein that from time to time there may be required of Operator additional duties not herein specifically set forth. In that event it is agreed that this Agreement shall be supplemented.

20. Except as otherwise herein set forth, the City agrees to provide services and materials to properly maintain the buildings and grounds of said Municipal Golf Course.

21. This Agreement shall be reviewed annually. Operator's performance will also be evaluated yearly under the guidelines of the Professional Golf Association Performance Appraisal.

22. Notwithstanding any provision of this agreement to the contrary, this Agreement may be terminated by either party, with or without cause, by giving the other party ninety (90) days written notice of termination. Notice shall be given by personal delivery or first class mail, return receipt requested, addressed as follows:
CITY: City Manager  
City of Porterville  
P. O. Box 432  
Porterville, CA 93258

OPERATOR: L. Dale Bartlett, Golf Professional  
Porterville Municipal Golf Course  
702 East Isham Avenue  
Porterville, CA 93257

With copies to: Director of Department of Parks & Leisure Services  
City of Porterville  
P. O. Box 342  
Porterville, CA 93258

Notwithstanding the foregoing, either party may terminate this Agreement for cause upon thirty (30) days written notice to the other party, in the manner set forth herein.

In the event this Agreement is terminated prior to the conclusion of the term hereof, Operator shall be entitled to retain payments under this Agreement and to receive (1) payment of 20% of green fees and 25% of cart rental fees for that portion of the month in which this agreement is terminated.

23. Neither Operator, nor any agent, servant, or employee of Operator shall willfully discriminate against any employee or patron of the Porterville Municipal Golf Course on any facilities related thereto, and all patrons of the facilities and current employees shall be treated equally without regard to their race, color, age, religion, ancestry, sex, national origin, local custom, habit, or sexual orientation. Violation by Operator of this provision of the State Fair Employment Practices Act shall be cause to terminate this Agreement.

24. If any legal action, arbitration or other proceeding is brought in connection with this Agreement, the prevailing parties shall be entitled to recover their actual attorney’s fees and costs, in addition to other costs incurred in such action, arbitration or proceeding, reimbursement of fees advanced in the event of arbitration, and other relief to which they may be entitled.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed at Porterville,

CITY:

CITY OF PORTERVILLE

Gordon T. Woods, Mayor

ATTEST:

John Longley, City Clerk

Approved as to Form:

Thomas T. Watson, City Attorney

OPERATOR:

L. Dale Bartlett

L. Dale Bartlett, PGA

S/agree/golf
SUBJECT: REQUEST FOR PROPOSAL (RFP) FOR RECYCLING CONSULTANT SERVICES

SOURCE: Public Works Department - Field Services Division

COMMENT: At the May 11, 2004 Council Study Session, a request was made to have a draft RFP for recycling consultant services prepared for Council review. The services are to include:

1. Research the need for implementing a curbside recycling program.
2. Analyze the cost for the City of Porterville to implement a curbside recycling program with City forces.
3. Provide cost analysis for comparison purposes to have private firms provide all components of the curbside recycling program. The analysis shall be itemized by task to the extent practical to allow the City the flexibility to select components contained within the recycling program.
4. Analysis should include all costs and revenues returned to the City associated with processing the recycling material at the Materials Recovery Facility.
5. An analysis of the revenue required to implement and conduct an ongoing curbside recycling program.
6. Preparations to provide Requests for Proposals should the City select the option to have private industry provide any or all of the program.

All consulting services will be ranked in accordance with the "Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services" as amended by City Council (Resolution 16-2001).

The Solid Waste Fund is the funding source for the requested service.

RECOMMENDATION: That City Council:

1. Accept the RFP in its draft form.

2. Authorize staff to distribute the RFP to consulting firms as specified in the policy.

ATTACHMENT: Draft RFP for Recycling Consultant

Y:\Engineering\Council Items\RFP for Recycling Consultant Services.wpd

Dir Appropriated/Funded Item No.
June 15, 2004

To:

Attn:

Subject: Request For Proposal - Consultant Services
Project: Curbside Recycling Analysis.

Dear Consultant:

The City of Porterville is seeking proposals for professional consultant services for an analysis on implementing a curbside recycling program.

The selected consultant will prepare an analysis of how to implement a curbside program with cost analysis components comparing public vs. private sector operation of the program. Consultant will also be prepared to develop a request for proposals to implement components of the program as directed by the City Council.

Interested firms are invited to submit their proposals (5 sets) to: City of Porterville, 291 N. Main St., Porterville, California 93257, Attention Baldomero Rodriguez, Public Works Director, by 5:00 p.m., August 20, 2004. Hand delivered proposals can be delivered to the Community Development and Public Works counter in City Hall at 291 N. Main Street. A breakdown of your fee estimate and your hourly rates must be included in your proposal in a separate sealed envelope.

Continued . . . . . . .
The right is reserved by the City of Porterville to reject any or all proposals, to evaluate the proposals submitted and to award the contract according to the proposal which best serves the interests of the City without regard to the proposer’s fee. The consultant should be aware that the City Council, at its sole discretion, may and can choose to direct City forces to implement the curbside recycling program, thereby determining that consultant proposals are not necessary.

Please call this office at (559) 782-7520 if you have any questions regarding this invitation.

Sincerely,

Baldomero S. Rodriguez
Public Works Director

cc: John Longley, City Manager
    Bryan Styles, Field Services Manager

Attachments: Proposal Contents Requirements
              Scope of Services
              Consultant Selection Rating Form
              Sample Service Agreement
PROPOSAL CONTENTS REQUIREMENTS

IN ORDER TO BE CONSIDERED COMPLETE, EACH PROPOSAL MUST INCLUDE, AT A MINIMUM, THE FOLLOWING:

A. TRANSMITTAL LETTER
B. PROJECT UNDERSTANDING
C. WORK PLAN/PROGRAM
D. PROJECT TEAM
E. PROJECT SCHEDULE
F. PAYMENT SCHEDULE
G. RELATED EXPERIENCE, REFERENCES
H. AFFIRMATIVE ACTION
I. COST PROPOSAL WITH SIGNATURE IN A SEPARATE SEALED ENVELOPE.

CONSULTANT SELECTION PROCESS

The City will use the enclosed “Consultant Selection Rating” form to select the consultant for this project. The City requests that proposals adhere to a format that provides the necessary information for the City to rate each firm based on this form. If you plan to assign someone whose experience is unfamiliar to the City, please submit his/her resume with your proposal.

A short list of at least three (3) firms who appear to have the desired professional expertise, experience, and capacity may be invited to an oral interview.

The Service Agreement will be a written agreement between the consultant selected and the City, setting forth the scope of work, responsibilities, deliverables, schedule, ownership of work, insurance requirements, compensation, method of payment, and other points. A sample service agreement identified as “Exhibit C” is attached. Please indicate on the cover letter the firm’s ability to comply with contract provisions, including insurance coverage.
INSURANCE REQUIREMENTS

A. The Consultant agrees to indemnify and hold the City and its officers, agents, employees and assigns, harmless from liability imposed for injury (as defined by Government Code 810.8), whether arising before or after completion of work hereunder, or in any manner directly or indirectly caused, occasioned or contributed to, in whole or in part, by reason of any act or omission, including strict liability or negligence of the Consultant, or of anyone acting under the Consultant’s direction or control or on its behalf, in connection with or incident to, or arising out of the performance of the work hereunder.

It is the intent of the City that the Consultant will indemnify, defend and hold harmless the City and its officers, employees, and assigns, from any and all claims, demands, costs, suits or action as set forth above regardless of the existence of passive concurrent negligence, on the part of the City or anyone acting under is direction or control or on its behalf.

This indemnification and hold harmless provision, insofar as it may adjudged to be against public policy, shall be void and unenforceable only to the minimum extent necessary so that the remaining terms of the indemnification and hold harmless provision may be within public policy and enforceable.

B. With respect to the performance of work hereunder, the Consultant and his/her Subcontractors shall maintain insurance coverage as described below:

1. Full liability under worker’s compensation laws of the State of California; and

2. Bodily injury and property damage insurance in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; and

3. Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) ore more, the City may require a Surety Bond for the deductible; and

4. Automotive liability in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence.
C. The Consultant shall furnish properly executed certificates of insurance to the City prior to the commencement of work. Such certificates shall:

1. Clearly evidence all coverage required above, including specific evidence of a separate endorsement naming the City as an additional insured;

2. Indicate whether coverage provided is on a claims-made or occurrence basis; and

3. Provide that such insurance shall not be materially changed, terminated or allowed to expire except on thirty (30) days prior written notice to the City.

D. If the Consultant, for any reason, fails to maintain the required insurance coverage, the same shall be deemed a material breach of contract. The City, at its sole option, may terminate the Agreement and obtain damages from the Consultant resulting from said breach. Alternatively, the City may purchase such required insurance coverage, and without further notice to the Consultant, the City may deduct, from sums due the Consultant any premium cost advanced by the City for such insurance.

Note: Firms that cannot comply with the City's insurance requirements, as described above, should not submit a proposal. These requirements are not negotiable.
SCOPE OF SERVICES
FOR
CONSULTANT SERVICES FOR CURBSIDE RECYCLING ANALYSIS

Introduction: The City of Porterville City Council has directed the development of an analysis on the implementation of a Curbside Recycling Program. The collection of recycling materials would be within the City limits; however, no materials recovery facility currently exists within the city urban boundary. It is the City's intent to have analysis and program design developed by January of 2005.

The Scope of Services shall include all necessary engineering studies, calculations, field surveying, and any other items which must be considered for preliminary analysis, alternative analysis, and final analysis for City Council's consideration of implementing a Curbside Recycling Program.

Project Objective is to provide the City Council with an analysis that will allow them to select whether or not to implement a curbside program. The analysis should also consider whether to utilize City of Porterville staff to implement and conduct all or part of the program’s components or contract with private firm(s).

The specific services are outlined as follows:

1. **Need for Curbside Program:** Consultant should research the need for implementing a curbside recycling program, including AB939 compliance and pending legislative requirements. Voluntary versus mandatory participation should be considered as well as container size and frequency of pickup.

2. **Cost Analysis Public Sector:** Analyze the cost for the City of Porterville to implement a curbside recycling program with city staff. All costs should be considered including containers, additional staffing, and equipment, as well as capital financing costs. Consideration should be made on the transportation costs to available materials recovery facilities. Alternatives should be included for optional program components such as transfer station, direct hauling, truck to truck transfer, etc.

3. **Cost Analysis Private Sector:** Provide cost analysis for comparison purposes to have private firms provide all components of a curbside recycling program. The costs should be itemized to the extent practical to allow the City the flexibility to select components within the recycling program.

4. **Recycling Processing:** The analysis should include all costs associated with processing recyclables at a permitted Materials Recovery Facility and all revenues generated from recyclables to be returned to the City.
5. **Revenue Analysis:** Consultant should provide an analysis of the revenue required to implement and conduct an ongoing curbside recycling program. The cost to each residential account to implement this program should be included, as well as a growth factor on the cost of the program.

6. **Request for Proposals:** Consultant should be prepared to provide Requests for Proposals should the City select the option to have Private firms provide any or all of the components of the curbside recycling program. As a minimum, the components should include:
   - route development
   - collection cost
   - delivery to processing facility
   - advertising and public information
   - compensation to the City for recycling materials
   - recycling program presented to the City in yearly increments over a minimum five year contract agreement in terms of rate to the customer and revenue to the City
   - any other component needed for a successful curbside recycling program based on the consultant experience

7. **Fee Estimate:** A breakdown of estimated fees and hourly rates must be included with the proposal in a separate sealed envelope.

The City tentatively expects the consultant selection process to proceed according to the following schedule:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>City issues RFP</td>
<td>June 15, 2004</td>
</tr>
<tr>
<td>Consultants submit written questions(deadline)</td>
<td>July 9, 2004</td>
</tr>
<tr>
<td>City responds to questions in writing</td>
<td>July 23, 2004</td>
</tr>
<tr>
<td>City receives proposals</td>
<td>Aug. 20, 2004</td>
</tr>
<tr>
<td>City Council awards contract</td>
<td>Sep. 7, 2004</td>
</tr>
<tr>
<td>Evaluation Factor</td>
<td>Rating Factor</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Capability to perform all or most aspects of the project.</td>
<td>1-10</td>
</tr>
<tr>
<td>Recent experience in projects comparable to the proposed project.</td>
<td>0-5</td>
</tr>
<tr>
<td>Firm's reputation for professional integrity and competence.</td>
<td>0-5</td>
</tr>
<tr>
<td>Key personnel's professional background and caliber.</td>
<td>0-7</td>
</tr>
<tr>
<td>Adequate qualified personnel available for assignment to the project.</td>
<td>0-3</td>
</tr>
<tr>
<td>Recent experience in specialized areas of expertise associated with the project.</td>
<td>0-5</td>
</tr>
<tr>
<td>Demonstrated ability to meet schedules or deadlines.</td>
<td>0-5</td>
</tr>
<tr>
<td>Demonstrated ability to complete projects without having major cost escalations or overruns.</td>
<td>0-5</td>
</tr>
<tr>
<td>Qualifications and experience of outside consultants regularly engaged by the consultant under consideration.</td>
<td>0-10</td>
</tr>
<tr>
<td>Quality of projects previously undertaken.</td>
<td>0-5</td>
</tr>
<tr>
<td>Familiarity with and proximity to the geographic location of the project.</td>
<td>0-5</td>
</tr>
<tr>
<td>Capability of a branch office which will do the work to perform independently of the home office, or conversely, its capability to obtain necessary support from the home office.</td>
<td>0-2</td>
</tr>
<tr>
<td>Demonstration of an understanding of the project's potential problems and the City's special concerns.</td>
<td>0-3</td>
</tr>
<tr>
<td>Degree of interest shown in undertaking the project.</td>
<td>0-2</td>
</tr>
<tr>
<td>Evidence that consultant is an equal opportunity employer.</td>
<td>0-2</td>
</tr>
<tr>
<td>Proximity of firm's office to project.</td>
<td>0-3</td>
</tr>
</tbody>
</table>

**TOTAL SCORE:**

**RANKING:**

Highest Possible Score = 77

Form GFRC-1, dated 7/19/99
SERVICE AGREEMENT

DATE: [Date]

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and [Insert Consultants Name], hereinafter referred to as "CONSULTANT".

RECITALS:

CITY has undertaken a project on which it is seeking assistance from CONSULTANT. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: [Insert Project Name Here]

Description of Project: [Insert Description Here]

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: CONSULTANT hereby agrees to provide the following services and materials, in a timely manner as described in Exhibit "A", Scope of Services, in connection with the above described project.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay CONSULTANT on a time and materials basis, not to exceed [Words] Dollars, ($[Numbers])(refer to attached fee schedule, if used.)

TIME OF PAYMENT: Progress payment requests shall be submitted
by the 25th of each month. CONSULTANT should receive payment within 30
days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by
CONSULTANT will be commenced upon execution of this agreement and all
"work directives" shall be completed by [Enter Work Completion Date].

The parties agree that time is of the essence under this contract.
Inasmuch as it would be difficult to ascertain the actual amount of damages
sustained by delay in performance of said contract, the amount of $[Enter
Per Calendar Day Amount] per calendar day shall be deducted from the
contract price for liquidated damages for each calendar day beyond the
completion date listed above. Said deduction will not be made if
CONSULTANT submits proof in writing that delay in completion was due to
a cause beyond its control.

SECTION 4. FAMILIARITY WITH PROJECT: CONSULTANT certifies and
agrees that it is fully familiar with all of the details of the project required to
perform its services. CONSULTANT agrees it will not rely upon any opinions
and representations of CITY unless CITY is the only available source of said
information.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood
that CONSULTANT is entering into this contract and will provide all services
and materials required hereunder as an independent contractor and not as
an employee of CITY. CONSULTANT specifically warrants that it will have
in full force and effect, valid insurance covering:

(i) Full liability under worker’s compensation laws of the State of California; and

(ii) Bodily injury and property damage insurance in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence; and

(iii) Errors and Omissions insurance of Five Hundred Thousand Dollars ($500,000) minimum per occurrence, if deductible for Errors and Omissions insurance is Fifty Thousand Dollars ($50,000) or more, the City may require a Surety Bond for the deductible; and

(iv) Automotive liability in the amount not less than Five Hundred Thousand Dollars ($500,000) per occurrence;

fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all claims arising from the negligence of CONSULTANT and any injuries to third parties, including employees of CITY and CONSULTANT. CONSULTANT agrees to indemnify, defend (at CITY’S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of CONSULTANT or any of its employees or agents.

SECTION 6. WORKMANSHIP AND MATERIALS: Every part of the work
herein described shall be executed in a professional manner with competent, experienced personnel. Finished or unfinished material prepared under the agreement, prepared by CONSULTANT, shall become property of CITY. CONSULTANT hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that all work will be performed by CONSULTANT. CONSULTANT shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION. CONSULTANT will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: CONSULTANT agrees to comply with the regulations of CITY'S "Conflict of Interest Code". Said code is in accordance with the requirements of the Political Reform Act of 1974.

CONSULTANT covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of
Interest Code, as that term is applied to consultants.

SECTION 10. TERMINATION: This contract may be terminated by either party for just cause by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. CONSULTANT may be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.
IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE                     CONSULTANT

By________________________________    By________________________________
Pedro R. Martinez, Mayor

Date_____________________________    Date_____________________________
SUBJECT: SIGN REGULATIONS AND ENFORCEMENT UPDATE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On August 4, 2003, the City Council held a study session to review the status of the regulation of signage within the City of Porterville. At that time, the Staff described a program of enhanced signage enforcement, and a discussion was held concerning possible improvements in the City's sign ordinance. Periodically, since that meeting, Staff has provided updates and progress reports.

Over the past several months, Staff has continued enforcement efforts with regard to temporary signs, banners, A-Frame signs and off-site signage. Community Development Staff have inspected the commercial corridors along Main Street, Olive Avenue and Henderson Avenue on a periodic basis. On several instances, businesses have been contacted to remove signs from the public sidewalks. To date, compliance with such requests has been generally positive. Several additional contacts have been made with regard to off-site (non-appurtenant) signs. These have typically been temporary banners in both commercial and residential zones advertising businesses or services conducted elsewhere. All but the most recent contacts have been successfully resolved.

To date, Staff has made only limited progress on a Zoning Ordinance Amendment to improve signage regulations. Improvements may be useful in order to establish tighter controls on temporary signage, improve definitions, encourage higher quality and better maintenance of signs and to better address unusual situations such as very large buildings or open-air businesses including car lots. Staff will continue to research best practices in sign regulation and collect sample ordinances. Per the Council’s adopted prioritization of the Community Development Department Work Program, Staff will prepare recommended amendments to the Zoning Ordinance for consideration.

RECOMMENDATION: That the City Council direct Staff to continue focused enforcement efforts with regard to signage and to continue preparation of a Zoning Ordinance Amendment.

DD_____ APPROPRIATED/FUNDED_____ CM _____ 

ITEM NO. 17
REDEVELOPMENT AGENCY MEETING AGENDA: JUNE 15, 2004

SUBJECT:  REDEVELOPMENT AGENCY 2004-2005 BUDGET

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Section 33606 of the California Health and Safety Code requires the Redevelopment Agency to adopt an annual budget which contains the following information: proposed expenditures of the agency, proposed indebtedness to be incurred by the agency, the anticipated revenues of the agency, the work program and goals for the coming year, and an examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program. The annual budget for 2004-2005 has been prepared in accordance with Section 33606 and is provided as an attachment for Agency review and adoption.

The 2004-2005 RDA budget reflects the following:

a. General project administration
b. Housing administration
c. Estimate of County's participation in tax increment in accordance with the City/County agreement
d. Estimate of Redevelopment Fund Balances

RECOMMENDATION: That the Agency Board adopt the attached 2004-2005 Redevelopment Agency budget.

ATTACHMENTS: 1. Draft Resolution adopting the 2004-2005 Redevelopment Budget
2. Proposed 2004-2005 Redevelopment Budget

DD_____ APPROPRIATED/FUNDED _____ CM_____  ITEM NO. PRA-1
RESOLUTION NO.

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE 2004-2005 BUDGET PURSUANT TO HEALTH AND SAFETY CODE SECTION 33606

WHEREAS, by Ordinance No. 1227 adopted February 17, 1981, the City Council of the City of Porterville (the “City Council”) activated the Porterville Redevelopment Agency (the “Agency”) and declared itself to constitute the Agency; and

WHEREAS, by Resolution No. PRA 81-3 adopted April 7, 1981, the Agency approved a Cooperative Agreement by and between the City Council and the Agency wherein the City agreed to establish an “Agency General Fund” with money appropriated by the City Council to pay for the Agency’s administrative expenses as authorized by Health and Safety Code Section 33610; and

WHEREAS, by Ordinance No. 1436 adopted July 10, 1990, the City Council approved the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1 (the “Plan”); and

WHEREAS, Health and Safety Code Section 33606 requires that the Agency adopt an annual budget; and

WHEREAS, for the purpose of fulfilling its obligations to effectuate the Plan and conduct redevelopment activities pursuant thereto, the Agency has estimated its 2004-2005 fiscal year expenditures, indebtedness, anticipated revenues and proposed work program to be as provided in the budget hereinafter referred to as “the Redevelopment Agency Budget” attached hereto as Attachment “A” and incorporated herein by reference; and

WHEREAS, the Agency is required to determine annually that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing.

Attachment 1
Now, THEREFORE, BE IT RESOLVED by the Porterville Redevelopment Agency that the Agency approves and adopts the Redevelopment Agency Budget for the 2004-2005 fiscal year in conformance with Health and Safety Code Section 33606, determines that the planning and administrative expenses in the Low and Moderate Income Housing Fund are necessary for the production, improvement, or preservation of low and moderate-income housing, and authorizes and directs the Executive Director to submit said Budget to the City Council pursuant to Health and Safety Code Section 33611.

Porterville Redevelopment Agency

________________________________________
By:
Pedro R. Martinez, Chairperson

ATTEST:

________________________________________
John Longley, Executive Secretary
CONTENTS

I. PREFACE

II. FINANCIAL SUMMARY

III. WORK PROGRAM 2004-2005

IV. PREVIOUS YEAR'S ACTIVITIES
I. PREFACE

The Redevelopment Agency is administered by the Community Development Department. The Agency was created pursuant to California Health and Safety Code Community Redevelopment Law. Redevelopment revitalizes targeted areas of blight and deterioration through several methods of Agency participation.

Porterville's Redevelopment Project Area No. 1, implemented in August 1990, encompasses approximately 471 acres. The area is primarily commercially and industrially zoned.

This budget has been prepared in accordance with California Health and Safety Code Section 33606 which requires each agency to adopt an annual budget.
## II. FINANCIAL SUMMARY

### AGENCY DEBT

<table>
<thead>
<tr>
<th>Description</th>
<th>A. AS OF 6-30-04</th>
<th>B. PROPOSED INDEBTEDNESS 2004-2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redevelopment Agency Bond Indebtedness</td>
<td>5,695,000</td>
<td>5,510,000</td>
</tr>
<tr>
<td>Original Bond Debt Incurred December 1992</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refinanced in 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to State of California</td>
<td>302,682</td>
<td>283,329</td>
</tr>
<tr>
<td>Rural Economic Development Infrastructure Program (REDIP)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to County of Tulare</td>
<td>225,000</td>
<td>215,000</td>
</tr>
<tr>
<td>Incurred 1997</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to City</td>
<td>1,145,425</td>
<td>1,145,425</td>
</tr>
<tr>
<td>Fund Advance Agreement #1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incurred 1981</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal plus interest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelopment Agency Debt to City Risk</td>
<td>139,559</td>
<td>142,350</td>
</tr>
<tr>
<td>Management Fund Advance Agreement #2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incurred 1998</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal plus interest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL DEBT INCURRED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AS OF 6-30-04</td>
<td>7,507,666</td>
<td>7,296,104</td>
</tr>
<tr>
<td>AS OF 6-30-05</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. ANTICIPATED REVENUES 2004-2005 - REDEVELOPMENT FUND

Gross Tax Increment Revenue 585,095

Less: Pass through to other agencies 145,914
   20% Housing Set-aside
      County allocation 8,237
      City allocation 81,467
      County Administration Fee 23,609

Net Tax Increment Revenue 325,868

D. PROPOSED EXPENDITURES 2004-2005 - REDEVELOPMENT FUND

Debt Service
   Bond Payments 391,826
   REDIP Loan 27,872
   County Loan 10,000
   City Loans -0-
   Bond Administration 3,140
   Agency Administration 25,050
   Education Revenue Augmentation Fund 81,651

TOTAL PROPOSED EXPENDITURES 539,539

Transfer to (from) Reserves (213,671)

Estimated Redevelopment Fund Reserve Balances:

<table>
<thead>
<tr>
<th></th>
<th>06/30/03</th>
<th>06/30/04</th>
<th>06/30/05</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>271,100</td>
<td>231,846</td>
<td>18,175</td>
</tr>
</tbody>
</table>

Notes:
The removal of two (2) properties in the Project Area and the recalculation of the base year will result in an increase of approximately $80,000 in increment revenue to the Agency in the 2005/06 fiscal year.

Income from the lease of the Stout building is not included in the budget estimates. Income from a 12-month lease would result of an increase in revenues of approximately $15,000 in the 2005/06 fiscal year.

ERAF diversions are anticipated to be suspended after the 2005/06 fiscal year. Net result would be a decrease in expenditures of $80,000.
E. ANTICIPATED REVENUES 2004-2005 - HOUSING FUND

Tax Increment Revenue 2004-2005:
  County Allocation  8,237
  City Allocation    81,467
  Interest          5,000

TOTAL ANTICIPATED REVENUE 94,704

F. PROPOSED EXPENDITURES 2004-2005 - HOUSING FUND

Administrative & Debt Service
  Debt Service
    Bond Payments  97,957
    Administration  770
    Agency Administration  5,000

Capital Projects\(^{(1)}\)
  First Time Home Buyer  333,000
  Implementation Plan

TOTAL PROPOSED EXPENDITURES 436,727

Estimated Housing Fund Balances:

  As of 6/30/04  1,222,123
  As of 6/30/05  880,100

\(^{(1)}\) These capital expenditure projects have funds committed through agreements or Agency action
III. WORK PROGRAM

The work program for 2004-05 based on the continued implementation of both the Redevelopment Strategic Plan adopted in 1992 and the Five Year Implementation Plan adopted in 2004. The general redevelopment priority projects established for the expenditure of the Agency's first bond issue proceeds have been completed to the extent of available funding. The Agency will be managing and monitoring the Redevelopment projects that have been completed and planning ahead for future projects when funding becomes available. The Agency will also be focused on the continued efforts to implement the low and moderate income housing projects and the funding strategies approved in 2003-04. Therefore, the work program for 2004-05 is as follows:

1. Implementation Plan

   A. Begin implementation of the 2005-2009 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, including potential projects, and estimated expenditures proposed to be made during the five year period beginning 2003.

2. Housing Strategic Plan Implementation

   A. Continue implementation of the Housing Strategic Plan and the 2005-2009 Redevelopment Implementation Plan, and continue implementation of the policies adopted by the Agency for the expenditure of the low and moderate income housing funds.

   B. In 2002-03 the Agency pledged the remaining $378,000 available for the First Time Home Buyer program to assist families desiring to purchase dwellings within the Casas Buena Vista (previously Casas del Rio) subdivision. It is anticipated that the remainder of these funds will be expended in the 2004-2005 fiscal year.

   C. Continue to administer all agreements for the development of the Casas Buena Vista subdivision, including the California Housing Finance Agency (CHFA) HELP loan, the Disposition and Development Agreement with Perris 40 Corporation (Casas Buena Vista Housing Group LLC), and the individual homebuyer assistance loans for acquisition of the houses which will incorporate affordability covenants.
D. Continue to monitor the Date Avenue Apartment rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, L.P. and Corporation for Better Housing.

E. Begin to monitor the St. James Place historical renovation project on Main Street for compliance with the terms of the Regulation Agreements and HOME requirements.

3. Building Facade Rehabilitation

Continue monitoring of the building facade renovation grant program.

4. Public Parking

A. During 2001-02, the City applied for and was awarded a Central Valley Infrastructure Grant (CVIG) for the reconstruction and expansion of the parking lot located at Hockett and Oak. The project is scheduled to be complete late 2003-2004. As part of the project the existing building was purchased with CVIG funds, however, funding was not sufficient to remove the building. Demolition of the building and expansion of the parking lot has been programmed under another funding source and is scheduled for late 2005.

B. Monitor and maintain all Agency owned parking lots.

C. Continue pursuing the formation of Parking District #3 in the North Main Street Area (Cleveland Avenue to Morton Avenue, Main Street to the Union Pacific Railroad).

5. Public Street and Streetscape Improvements

A. Continue to monitor the Main Street streetscape improvements.

B. Continue to pursue funding for required traffic circulation improvements, replacement or installation of sidewalks, crosswalks, curb, gutters, storm drains, street lighting, and landscaping to improve their functioning and attractiveness.

6. Downtown Porterville Association, Inc.

Coordinate with Downtown Porterville Association, Inc. to encourage downtown revitalization. As part of this effort, the City and Downtown
Porterville Association, Inc. will promote and utilize various financial incentive programs to recruit and assist businesses in locating within the Redevelopment Area, with an emphasis on filling vacant and underutilized buildings within the downtown area between Morton Avenue and Olive Avenue.

7. Neighborhood Community Center

Continue participation in the construction of the Neighborhood Community Center in conjunction with the Community Development Block Grant (CDBG) program utilizing Section 108 funding.

8. Public Improvement Projects

Streets and Bridges - Coordinate with the City Engineering Division on the planning and reconstruction of the Plano Street Bridge and Orange Avenue funded, wholly or in part, by Certificates of Participation within the Redevelopment Project Area.

9. Tule River Parkway and Rails to Trails Projects

Coordinate with the City Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Area.

10. Annexation and General Plan Land Use

Support annexation of additional industrial land and circulation improvements in the south/southeast area of the City in accordance with the General Plan and Circulation Element.

11. Financing Strategies

During the 2002-03 fiscal year, staff prepared several financing strategies to reduce the financial impacts of reassessment of properties within the project Area, a stagnant real estate market, increased operating expenses, and institution of mandated legislative actions (including an Education Revenue Augmentation Fund (ERAF)). Strategies approved by the Agency are:
Strategy 1: Remove all salaries from the Redevelopment budget.

Strategy 2: Remove Agency/City owned properties from the Base Year calculations.

Strategy 3: Remove two industrial properties from the Project Area.

Strategy 4: Successfully petition the State to eliminate proposed ERAF diversions in the current and forthcoming fiscal years.

Strategy 5: Sell the remaining property on Fourth Street and promote private development on vacant/underutilized Agency/City owned properties.

Strategy 6: Explore the feasibility of expanding Project Area #1 to blighted areas to encourage redevelopment and growth. Implement the Financing Strategies approved by the Agency during the 2002-03 fiscal year.
IV. PREVIOUS YEAR'S ACHIEVEMENTS

In reviewing the activities of the Redevelopment Agency in 2003-04 significant progress was made in accomplishing the goals of the work program established in last year's budget. Following are the elements of that work program and a description of the progress made in each area:

1. Implementation Plan

A. Goal: During 2003-004, the City will be finalizing the update of the Housing Element of the General Plan with the Analysis of Impediments to Fair Housing Choice and the Redevelopment Implementation Plan. The Agency will be assisting the City with funding for the update provided from available Low & Moderate Income Housing Set-Aside funds and bond funds.

Action: Cotton/Bridges/Associates completed the Housing Element, Analysis of Impediments to Fair Housing Choice and the 2005-2009 Redevelopment Implementation Plan during the 2003-04 fiscal year. The documents have been adopted by City Council and the Agency.

B. Goal: Adopt and begin implementation of the 2003 Redevelopment Implementation Plan for the Redevelopment Agency that contains the specific goals and objectives of the Agency for the project area, the specific programs, and estimated expenditures proposed to be made during the five year period beginning 2003.

Action: In 2002-03, staff began working with Cotton/Bridges/Associates to update the Housing Element of the General Plan with the Analysis of Impediments to Fair Housing Choice and the Redevelopment Implementation Plan. The documents were completed and adopted by City Council and the Agency during 2003-2004. The Redevelopment Implementation Plan has been updated for the five year period 2005-2009 and staff has begun planning the implementation process.

2. Housing Strategic Plan Implementation

Goal: Continue implementation of the Housing Strategic Plan, adopt and implement the 2003 Redevelopment Implementation Plan, and continue implementation of the
policies adopted by the Agency for the expenditure of the low and moderate income housing funds.

**Action:** The Agency continued the implementation of the agreements for low and moderate income housing projects that were executed in previous years including Casas Buena Vista, the Date Avenue Family Apartments, St. James Place, and First Time Low Income Homebuyer Programs.

**Goal:** In 2002-03 the Agency pledged the remaining $378,000 available for the First Time Home Buyer program to assist families desiring to purchase dwellings within the Casas del Rio subdivision. It is anticipated these funds will be expended in the 2003-04 fiscal year.

**Action:** The first phase of the Casas Buena Vista subdivision has been completed and eight of the ten homes sold with assistance of $136,000 in Redevelopment funds to the homebuyers. It was anticipated by staff that the sales of the first phase of homes and the transition into Phase 2 would be the most difficult. There is now momentum in sales and a modification to the Disposition and Development Agreement was approved by the Agency for the developers to acquire 32 lots in phase three. The remaining funds should be expended in 2004-05.

**Goal:** Administer all agreements for the development of the Casas Buena Vista subdivision, including the California Housing Finance Agency (CHFA) HELP loan, the Disposition and Development Agreement with Perris 40 Corporation, and the individual homebuyer assistance loans for acquisition of the houses which will incorporate affordability covenants. The Agency will also assist in finalizing the establishment of the Landscape and Lighting Maintenance District (LMD) and complete improvements to the open areas that have been deeded to the City.

**Action:** The Agency has been administering all of the agreements and working through the logistics of each one. Developing the homebuyer assistance loans for Casas Buena Vista, with the varying affordability covenant requirements of several funding sources, took a considerable amount of time. The LMD for Casas Buena Vista was established by
City Council action and the construction of the common areas completed.

Goal: The Agency will be administering the $115,000 in assistance for frontage improvements for the Date Avenue Apartments, a 78 unit tax credit project for low income households. The funds will be deposited with a fiscal agent and dispersed at the end of construction. The Agency will continue to monitor the rental project for compliance with the terms of the Affordable Housing Agreement between the Agency and 148 Date Avenue, L.P. and Corporation for Better Housing.

Action: The Agency is in the process of finalizing the payment of the Redevelopment assistance which was delayed until the permanent financing for the project is completed.

Goal: The Agency will continue to expend the remaining RDA funds designated for the St. James Place historical renovation project on Main Street, which will be providing 14 affordable apartments for low and moderate income persons. A $1,000,000 HOME grant and HOME Program Income are also being utilized for this project. Project completion is anticipated in the fall of 2003.

Action: In 2002-03 the Agency evaluated the status of the Redevelopment funds in the St. James Place Project and determined that some of those funds originally designated for that project could be transferred to the Casas Buena Vista project, due to the fact that other funds could be used as match for the HOME grant for St. James Place. The Agency then completed the expenditure of all the Redevelopment funds for St. James Place. Due to several construction problems, there has been a delay in the completion of the project which now is scheduled for occupancy in summer 2004.

Goal: During the 2003-2004 fiscal year, the Agency will complete expending the required twenty five percent (25%) match for the 2000 HOME $500,000 grant for the continuation of the City's Low-Income First-Time Homebuyer Program.

Action: The Agency completed the required match expenditure for the 2000 HOME grant.
3. Building Facade Renovation Program

Goal: Continue implementation, monitoring, and evaluation of the building facade renovation grant program.

Action: Staff continues to monitor and evaluate the completed facades for compliance with the facade easement maintenance agreement and notifies the owners of any items that need attention.

4. Parking Lots

Goal: During 2001-02, the City applied for and was awarded a Central Valley Infrastructure Grant for the reconstruction and expansion of the parking lot located at Hockett and Oak. Staff will work with the City to design the parking lot in accordance with Redevelopment Guidelines.

Action: Staff assisted the Engineering Department in development of the plans and specifications for the project in accordance with the Redevelopment Design Guidelines for Project Area #1. The parking lot will be complete in July 2004.

Goal: Monitor and maintain all Agency owned parking lots.

Action: Staff continues to monitor and maintain the Redevelopment parking lots, coordinating with Parks and Leisure Services on any landscape maintenance items or Southern California Edison on any light standard issues.

Goal: Continue pursuing the formation of Parking District #3 in the North Main Street Area (Cleveland Avenue to Morton Avenue, Main Street to the Union Pacific Railroad).

Action: Staff continues to seek funding for the acquisition of additional property and for the construction of parking lots within the area that would be necessary for the formation of a district in this North Main Street Area.

5. Government Civic Offices

Goal: Continue cooperation with the County and State on development of Civic Office complexes.
Action: With the completion of the two Redevelopment parking lots in the vicinity of the County Courthouse, the County has indicated potential future plans for expansion and renovation of the County facilities.

6. Chamber of Commerce Office

Goal: Coordinate with the Chamber of Commerce the finalization of the construction of the Agency assisted office complex at the Frontier Building site on Main Street, including the completion of the "Walk of Fame" paseo from Main Street to Hockett Street. Upon completion, continue to monitor improvements according to the facade easement maintenance agreements.

Action: During 2003-04 signage at the Chamber of Commerce was finalized. Staff will continue to monitor the improvements according to the facade easement maintenance agreement.

7. Downtown Porterville Association, Inc.

Goal: Coordinate with Downtown Porterville Association, Inc. to encourage downtown revitalization. As part of this effort, the City and Downtown Porterville Association, Inc. will promote and utilize various financial incentive programs to recruit and assist businesses in locating within the Redevelopment Area, with an emphasis on filling vacant and underutilized buildings within the downtown area between Morton Avenue and Olive Avenue.

Action: Staff continues to work cooperatively with Downtown Porterville, Inc. on projects and recruitment efforts. Staff keeps a current inventory of properties available downtown in order to assist prospective businesses in selecting a location.

8. Porterville Economic Development Strategic Plan

Goal: Support and assist in implementation of the adopted Porterville Economic Development Strategic Plan. This plan includes a marketing plan, as well as an action plan, with specific recommendations for strategic initiatives and aggressive business retention and attraction.
Action: Staff continues to participate in monthly Partners Meetings and other programs, such as the Business Call Program, a part of the Business Retention and Expansion Program.

9. Neighborhood Community Center

Goal: Participate in the continued process of planning and development of the Neighborhood Community Center in conjunction with the Community Development Block Grant (CDBG) program adopted by the City Council.

Action: Construction on the Neighborhood Community Center began early 2004 and is expected to complete December 2004. Staff continues to coordinate construction activities and monitor expenditures of the CDBG Section 108 funds.

10. Public Improvement Projects

Goal: Streets and Bridges - Coordinate with the City Engineering Division on the planning and reconstruction of the Plano Street Bridge, Orange Avenue, and the planning for future improvements funded through Certificates of Participation within the Redevelopment Project Area.

Action: The Redevelopment Strategic Plan and the adopted Streetscape Design for the Redevelopment Area were used extensively in the planning and design of both the Plano Street Bridge Project and the Orange Avenue Reconstruction Project. The Orange Avenue Project is scheduled to begin construction summer of 2004 and the Plano Street Bridge Project is scheduled to begin construction spring 2005.

11. Tule River Parkway and Rails to Trails Projects

Goal: Coordinate with the City Engineering Division and the Parks and Leisure Services Department on the planning and construction of the phases of the Tule River Parkway and the Rails to Trails projects that are within the Redevelopment Area.

Action: Staff has participated in the planning and coordination of both of these projects that are within the Redevelopment Area.
12. Annexation and General Plan Land Use

Goal: Support annexation of additional industrial land and circulation improvements in the southern area of the City in accordance with the General Plan and Circulation Element.

Action: Utilizing Certificates of Participation, the City will be improving and extending streets in the southern area of the City.

13. Financing Strategies

During the 2002-2003 fiscal year, staff prepared several financing strategies to reduce the financial impacts of reassessment of properties within the project Area, a stagnant real estate market, increased operating expenses, and institution of mandated legislative actions (including an Education Revenue Augmentation Fund (ERAF)). Strategies approved by the Agency are:

Goal: Strategy 1: Remove all salaries from the Redevelopment budget.

Action: All salaries have been removed from the Redevelopment budget.

Goal: Strategy 2: Remove Agency/City owned properties from the Base Year calculations.

Action: Staff has coordinated with the Finance Department to notify the County to remove Agency/City owned properties from the Base Year calculations. Staff continues to monitor the Base Year calculation for assurance that Agency/City properties have been removed.

Goal: Strategy 3: Remove two industrial properties from the Project Area.

Action: During the 2003-04 fiscal year, GRC Redevelopment Consultants were retained to conduct a feasibility study for the removal of two industrial properties and, if warranted by the study, to proceed with the removal of the properties. The feasibility study has been completed and removal proceedings have begun. It is anticipated that the removal process will be complete summer 2004.
Goal: Strategy 4: Successfully petition the State to eliminate proposed ERAF diversions in the current and forthcoming fiscal years.

Action: Staff continues to monitor the proposed ERAF legislation and has initiated an active letter writing campaign in opposition to future ERAF diversions. The opposition from communities and organizations led to a reduction of the ERAF diversions in 2002-03 and 2003-04 from approximately $80,000 each year to $24,039 and $39,072 respectively.

Goal: Strategy 5: Eliminate the remaining property on Fourth Street and promote private development on vacant/underutilized Agency/City owned properties.

Action: During the 2003-04 fiscal year, staff focused on the development of a community park at the site of the Nelson Building, with the northerly portion of the lot being reserved for commercial development. Staff also has conducted a rent survey to be utilized for the rental of the Stout Building. The building was vacated by the Literacy Program during the 2003-04 fiscal year due to funding limitations.

Goal: Strategy 6: Explore the feasibility of expanding Project Area #1 to blighted areas to encourage redevelopment and growth.

Action: The GRC Redevelopment Consultants report identifies areas for expansion within Project Area #1. Staff continues to review the GRC report for recommendation to the Agency.
SUBJECT: REDEVELOPMENT PROJECT No.1 PLAN AMENDMENT - REPORT TO CITY COUNCIL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On May 4, 2004, at the regular meeting of the City Council and Agency, a resolution was adopted by each governing body consenting to a Joint Public Hearing on Amendment No. 1 (the "Amendment") to the Redevelopment Plan (the "Plan") for Redevelopment Project No. 1 (the "Project"). The proposed Amendment will remove six (6) parcels, encompassing an approximate total of 26 acres (the "Detachment Area") from Redevelopment Project Area No. 1 (the "Existing Project Area"). Upon removal of the proposed Detachment Area from the 471-acre Existing Project Area, approximately 445 acres will remain in the Project (the "Amended Project Area"). The proposed Amendment will also technically amend the Plan to repeal the time limit for incurring debt in the Amended Project Area in accordance with recent changes in State law (Senate Bill 211; Chapter 741 of Statutes 2001).

In accordance with Section 33352 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "CRL"), every redevelopment plan (amendment) submitted by an agency to a city council shall be accompanied by a report that summarizes the key elements of the plan (amendment) adoption process. There are numerous elements required to be in the report, which are listed in the Introduction section of the attached Draft Report to the City Council.

The proposed textual changes to the Plan are limited to Article VII, Section (G). Article VII, Section (G) of the Plan (as originally adopted in 1990), stated, in part:

"...the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than 40 years after adoption of this Plan."

The Plan was amended in 1994, pursuant to Assembly Bill 1290 (Chapter 942, Statutes of 1993), which mandated that the time limit for establishing debt be limited to twenty years from the date of plan adoption, or the year 2004, whichever occurred later. Thus, on November 15, 1994, the City Council adopted Ordinance No. 1504, thereby amending Article VII, Section (G) of the Existing Plan to read, in part:

"...the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than twenty (20) years from the date of adoption on this Plan."

D.D. Appropriated/Funded ___ C.M.____ Item No. PRA -2-
Senate Bill 211 allows redevelopment agencies to eliminate the time limit for establishing new loans, advances, bonds, and other indebtedness on plans adopted prior to January 1, 1994. Thus, the proposed Amendment will remove such references from the Plan. Upon adoption of the proposed Amendment, Article VII, Section (G) of the Existing Plan will read, in its entirety (text shown with strikethrough indicates that which has been removed from the Plan):

VII. METHODS OF FINANCING THE PROJECT

G. Financial Limitations

"The Agency shall not receive more than $400 million in tax increments attributable to the Project. Furthermore, the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than twenty (20) years from the date of adoption of this Plan: Furthermore, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after July 3, 2040, except as otherwise specifically permitted under Health and Safety Code Section 33333.6."

No other portions of Article VII, Section (G) of the Existing Plan, as currently adopted, will be affected by the proposed Amendment.

On May 4, 2004, the City Council reviewed the proposed Amendment and adopted Resolution No. 44-2004, finding it to be in conformance with the Porterville General Plan.

On May 19, 2004, the Redevelopment Advisory Committee reviewed the proposed Amendment and voted to recommend to the City Council/Redevelopment Agency that the Amendment be approved.

In order to complete the process of adopting the proposed Amendment, several actions are required of both the City Council and the Agency. The first action in the process is the transmittal of the Draft Report to Council from the Agency to the City Council.

RECOMMENDATION: That the Redevelopment Agency adopt the draft resolution approving and transmitting to the Porterville City Council the Agency’s Report on Amendment No.1 to the Redevelopment Plan for Redevelopment Project No.1 including the Initial Study/Draft Negative Declaration.

Attachments: 1. Draft Resolution
2. Draft Report to City Council
RESOLUTION NO. _____________

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING AND TRANSMITTING TO THE PORTERVILLE CITY COUNCIL THE AGENCY’S DRAFT REPORT TO CITY COUNCIL AND THE DRAFT INITIAL STUDY AND NEGATIVE DECLARATION FOR AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1

WHEREAS, on July 3, 1990, the Porterville City Council (the “City Council”) adopted Ordinance No. 1436, thereby approving and adopting the Redevelopment Plan (the “Plan”) for Redevelopment Project No. 1 (the “Project”); and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to adopt Amendment No. 1 (the “Amendment”) to the Plan; and

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the “CRL”) authorizes the adoption of redevelopment plans and redevelopment plan amendments; and

WHEREAS, CRL. Section 33457.1 requires the proposed Amendment to be accompanied by a report to the legislative body that contains the information called for in CRL Section 33352 to the extent warranted; and

WHEREAS, the Agency has prepared its Report to the City Council on the proposed Amendment as required by the CRL.

NOW, THEREFORE, the Porterville Redevelopment Agency hereby resolves as follows:

SECTION 1: Pursuant to CRL Section 33352, the Agency has prepared its Report to the City Council (the “Report to Council”) on the proposed Amendment to the Plan for the Project, which is attached hereto as Exhibit “A” and incorporated herein by reference.


SECTION 3: The Executive Director of the Agency is hereby authorized and directed to transmit the Report to the Porterville City Council.

SECTION 4: The Secretary of the Agency shall certify to the passage and adoption of this resolution, and it shall thereupon take effect and be in force.

Attachment No. 1
PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency this 15th day of June, 2004 by the following vote:

____________________________________
Pedro R. Martinez, Chairperson
Porterville Redevelopment Agency

ATTEST:

John Longley, Secretary
Porterville Redevelopment Agency

By _________________________________
    Georgia Hawley, Deputy
Porterville Redevelopment Agency

DRAFT
REPORT TO CITY COUNCIL

Redevelopment Project No. 1,
Amendment No. 1

May 26, 2004
May 26, 2004

Draft
Report to City Council for Redevelopment Project No. 1, Amendment No. 1

PORTERVILLE REDEVELOPMENT AGENCY

GRC REDEVELOPMENT CONSULTANTS
701 S. Parker Street
Suite 7400
Orange, CA 92868
CITY COUNCIL/REDEVELOPMENT AGENCY

Pedro "Pete" Martinez, Mayor/Chairperson
Ronald L. Irish, Mayor Pro-Tem/Vice-Chairperson
Kelly E. West, Council Member/Board Member
Cameron Hamilton, Council Member/Board Member
Richard M. Stadtherr, Council Member/Board Member

REDEVELOPMENT ADVISORY COMMITTEE

Steve Tree, Chairperson
Ken Goodwin, Vice-Chairperson
Donnette Silva-Carter, Member
Dean Craig, Member
Art Cardell, Member
Marlene Marquez, Member
Don Callison, Member
Gilbert Ynigues, Member

AGENCY/CITY STAFF

John Longley, City Manager/Executive Director
Bradley D. Dunlap, Community Development Director
Julia Lew, City Attorney/General Counsel
Denise L. Marchant, Development Associate
Linda Wammack, Development Associate
John Longley, City Clerk/Agency Secretary
TABLE OF CONTENTS

1.0 Introduction .............................................................................. 1
   1.1 Definitions ........................................................................... 2
   1.2 Background ......................................................................... 3
   1.3 Authority ............................................................................. 4

2.0 Reasons for the Proposed Amendment ............................... 15
   2.1 Removal of the Detachment Area from the Project ................. 15
   2.2 Elimination of Time Limit for Incurring Debt ......................... 16

3.0 Project Area Description ................................................................. 17
   3.1 Physical, Social and Economic Conditions ......................... 17
   3.2 Land Use Character .............................................................. 20
   3.3 Finding of Urbanization ......................................................... 21

4.0 Physical, Economic and Social Conditions in the Project Area .................................................. 23

5.0 Elimination of Blight Cannot be Accomplished by Private Enterprise Acting Alone .................. 25

6.0 Project Feasibility ................................................................. 27
   6.1 Methods of Financing the Project ....................................... 27
   6.2 Project Financial Projections .............................................. 28
   6.3 Alleviation of Detrimental Physical, Social, and Economic Conditions ...................................... 31
   6.4 Relocation Method ............................................................. 31

7.0 Project Review ................................................................. 33
   7.1 Report and Recommendation of the Planning Commission .................................................. 33
   7.2 Report Required by Section 65402 of the Government Code .................................. 33
   7.3 Environmental Evaluation .................................................. 34
7.4 Report of the County Fiscal Officer ..................34
7.5 Analysis of County Base Year Report and
Summary of Consultations with Taxing
Agencies..................................................36

Appendix A: Amended Redevelopment Plan
Appendix B: Initial Study and Negative Declaration

LIST OF TABLES

1. Existing Land Uses.................................................................21
2. Comparison of Tax Increment Revenues with and
without the Proposed Detachment Area .................................30
3. Additional SB211 Pass-Through Payments .......................36

LIST OF FIGURES

1. Existing Project Area.............................................................11
2. Proposed Detachment Area ..................................................12
3. Proposed Detachment Area ..................................................13
4. Amended Project Area ..........................................................14
1.0 INTRODUCTION

This Report to City Council (this “Report”) was prepared for Amendment No. 1 (the “Amendment”) to the Redevelopment Plan (the “Redevelopment Plan”) for Porterville Redevelopment Project No. 1 (the “Project”). This Report was prepared by the Porterville Redevelopment Agency (the “Agency”) pursuant to the California Community Redevelopment Law (California Health and Safety Code Sections 33000, et seq.; the “CRL”).

The Redevelopment Plan for the Project was adopted on July 3, 1990, pursuant to Ordinance No. 1436 of the Porterville City Council (the “City Council”). Redevelopment Project Area No. 1 (the “Existing Project Area”; see Figure 1) encompasses approximately 471 acres and consists of three distinct planning areas: the City Central Business District (CBD); a service commercial zone; and an Enterprise Zone.

The Agency has undertaken the steps required by CRL Sections 33450-33459.8 for the adoption of the proposed Amendment in order to remove approximately 26 acres (the “Detachment Area”; see Figures 2 and 3) from the Existing Project Area. Removal of the Detachment Area is desirable because assessed property values therein were recently lowered to an extent that significantly jeopardized the Project’s future tax increment generating potential. Following the removal of the Detachment Area from the Existing Project Area, approximately 445 acres will remain in Project Area No. 1 (the “Amended Project Area”; see Figure 4).

The proposed Plan Amendment will also technically amend the Plan to repeal the time limit for incurring debt in the Amended Project Area in accordance with recent changes in State law (Chapter 741 of Statutes 2001; “SB 211”). Eliminating this time limit will enable the Agency to incur debt over a longer period of time than presently authorized, thus making it
possible to participate in programs and activities aimed at eliminating conditions of blight in the Amended Project Area that it would otherwise be unable to afford.

The purpose of this Report is to provide the City Council with the information, documentation, and evidence pursuant to CRL requirements relevant to the adoption of the proposed Amendment.

1.1 DEFINITIONS

The following definitions will govern in the context of this Report unless otherwise stipulated herein:

- **Agency** refers to the Porterville Redevelopment Agency.

- **Amended Project Area** refers to the remaining 445 acres which will comprise the Porterville Redevelopment Project No. 1, Amendment No. 1 (see Figure xx).

- **City** refers to the City of Porterville, California.

- **City Council** refers to the City Council of the City of Porterville.

- **CRL or Redevelopment Law** refers to the Community Redevelopment Law (California Health and Safety Code, Sections 33000 *et seq.*).

- **Detachment Area** refers to the 26 acres of territory that are proposed to be removed from the Existing Project Area through adoption and implementation of Porterville Redevelopment Project No. 1, Amendment No. 1.

- **Existing Project Area** refers to the 471-acre Porterville Redevelopment Project Area No. 1, which was created by adoption of the Porterville Redevelopment Plan No. 1 pursuant to Ordinance No. 1436 on July 3, 1990.

- **Existing Redevelopment Plan** refers to the Redevelopment Plan for the Porterville Redevelopment Project, which was adopted by the City Council of the City of Porterville pursuant to Ordinance No. 1436 on July 3, 1990.

- **Legal Description** refers to the description of land within the Detachment Area, in accordance with map
specifications approved by the California State Board of Equalization.

- **Plan Amendment** refers to Amendment No. 1 to the Porterville Redevelopment Project, a redevelopment plan amendment under the Redevelopment Law.

- **Report to Council** refers to this Report to City Council for the Porterville Redevelopment Project No. 1, Amendment No. 1, in the City of Porterville, California.


### 1.2 BACKGROUND

The proposed Amendment will remove the Detachment Area from the Existing Project Area. Existing development in the Detachment Area consists of two industrial facilities. When the Redevelopment Plan was originally adopted, the assessed value of the property was substantial and represented a large percentage of the base year value for the Existing Project Area as a whole. The assessed values were primarily attributable to the quantity and quality of the equipment within the facilities. The tenants and equipment that occupied the facilities have since relocated, and though each of the facilities has been re-occupied, their assessed property values are now significantly lower. (In fact, one of the facilities is currently used for warehousing and thus carries a minimal unsecured property value.) Fiscal analyses prepared in support of the proposed Amendment show that a failure to address the situation would severely restrict the Agency's future ability to implement the Project, given the Agency's financial obligations to its housing fund, affected taxing entities, and debt service.

Upon adoption of the proposed Amendment, the Amended Project Area's overall size will decrease by approximately 5.5 percent, to 445 acres. The proposed Amendment will not result in any land use changes within either the Detachment Area or the Amended Project Area. Furthermore, implementation of the Plan Amendment will not affect existing land uses in the Detachment Area, or in the immediately surrounding area.
Eliminating the time limit to incur debt pursuant to SB 211 is desirable because the Agency will be able to incur debt over a longer period of time than presently authorized, thus making it possible to participate in programs and activities aimed at eliminating conditions of blight in the Amended Project Area that it would otherwise be unable to afford.

Approval and adoption of the proposed Plan Amendment will not affect the intent of the Plan, which is to assist the City and Agency in implementing various activities to mitigate conditions of blight that remain in the Amended Project Area. Such activities include the construction and reconstruction of public infrastructure, and the rehabilitation of residential, commercial, industrial, and public land in conformance with the Porterville General Plan and Porterville Strategic Plan.

1.3 AUTHORITY

This Report has been prepared pursuant to CRL Section 33352, as modified by Section 33457.1, which requires that this Report contain the information warranted by, and relevant to, the proposed Amendment. Information and documentation not applicable or irrelevant to the proposed Amendment, including information and documentation pertaining to the adoption of the Existing Redevelopment Plan in 1990, are not required.

The following paragraphs describe the information and reports required by CRL Section 33352. Certain items are applicable only to the adoption of new redevelopment plans or plan amendments that add territory to an existing redevelopment project area (neither of which is the case here). In such cases, those items may be dismissed as inapplicable and have thus been excluded from this Report.

1. The reasons for selection of the project area; a description of the specific projects then proposed by the Agency, a description of how these projects will improve or alleviate the conditions described in subdivision (2) (conditions of blight).

This information was provided when the Existing Redevelopment Plan was adopted in 1990. In brief, as outlined in the 1990 Report to Council, the Agency proposed to alleviate blighting conditions through redevelopment programs and providing development
incentives designed to stimulate new development and rehabilitation activities. These programs, as detailed in the 1990 Report to Council, include, but are not limited to: (i) Main Street commercial area improvements; (ii) sidewalk improvement projects; (iii) property acquisition, clearance and grading; (iv) landscaping, recreation and noise attenuation; (v) low and moderate income housing development assistance and rehabilitation; (vi) relocation costs; (vii) flood control improvements; (viii) special studies for the planning and improvement of the project area; (ix) new traffic signals and traffic signal upgrades; (x) bridge and culvert improvement projects; (xi) street and off-ramp improvements; (xii) street light projects; (xiii) parking lot improvements; (xiv) undergrounding of utilities; (xv) sanitary sewer improvement projects; and (xvi) water improvement projects.

As mandated by CRL Section 33457.1, in lieu of reproducing the information from 1990, this Report, in Chapter 2.0, contains the reasons for the proposed Plan Amendment since that is the relevant action to be considered by the City Council. As noted earlier, the Agency is not proposing specific projects in connection with the proposed Plan Amendment. The deletion of the Detachment Area and the elimination of the time limit for incurring debt as set forth in the proposed Plan Amendment and described in this Report is, rather, necessary for proper redevelopment planning and activities. Adoption and implementation of the proposed Amendment will not affect the approved public improvement projects outlined in the Existing Redevelopment Plan and therefore no changes are necessary in this regard.

2. A description of the physical and economic conditions specified in CRL Section 33031 that exist in the project area that cause the project area to be blighted. The description shall include a list of conditions described in Section 33031 that exist within the project area and a map showing where in the project the conditions exist.

The Existing Project Area was determined to be blighted at the time the Redevelopment Plan was originally adopted. Those determinations are deemed final, and no further inquiry concerning blight in the Existing Project Area is mandated by the CRL. Although not required, conditions of remaining blight in the Amended Project Area were observed and
documented in November 2003, by GRC Redevelopment Consultants. Such conditions include:

- Structural deterioration
- Commercial and industrial obsolescence
- Defective design and/or layout of commercial and industrial properties
- Parcels of inadequate size and/or shape for contemporary commercial and industrial use
- Likely presence of asbestos, lead-based paint, and contaminated soils
- Residential overcrowding

These observations are consistent with findings of physical blight documented in the 1990 Report to City Council. No specific blight was observed in the Detachment Area. Approval and adoption of the proposed Amendment is expected to facilitate the Agency's ability to mitigate conditions of blight that remain in the Amended Project Area.

3. **An implementation plan that describes specific goals and objectives of the Agency, specific projects then proposed by the Agency, including a program of actions and expenditures proposed to be made within the first five years of the plan, and a description of how these projects will improve or alleviate the conditions described in CRL Section 33031.**

On December 21, 1999, the Agency adopted its AB1290 Redevelopment Implementation Plan for Fiscal Years 1999/2000 through 2003/2004 (the “Implementation Plan”) for the Existing Project Area. The Implementation Plan describes the specific goals, objectives, and projects of the Agency. The Implementation Plan also includes a program of actions and expenditures to be made over the five-year period governed by the Implementation Plan and a description of how such actions and expenditures will work towards eliminating blighting conditions within the Existing Project Area. The Implementation Plan will continue to serve the Amended Project Area and is unaffected by the adoption of the proposed Amendment. The proposed Amendment does not affect the contents of the Implementation Plan. However by removing the Detachment Area to protect against a lowering of assessed property values and eliminating the time limit
to incur debt, the proposed Amendment is expected to facilitate the Agency's ability to achieve the goals, objectives and programs promulgated through the Implementation Plan. (Reference Chapter IV of this Report, below.)

4. An explanation of why the elimination of blight and the redevelopment of the project area cannot reasonably be expected to be accomplished by private enterprise acting alone or by the City Council's use of financing alternatives other than tax increment financing.

The Existing Redevelopment Plan authorizes the Agency to collect tax increment revenues generated by the Existing Project Area. The Agency fully examined the blighting conditions that existed within the Existing Project Area at the time of Plan adoption in 1990. The Agency examined, analyzed and described to the extent required by the CRL why the redevelopment of the Existing Project Area could not reasonably be expected to be accomplished by private enterprise acting alone. The proposed Amendment, by removing the Detachment Area to protect against a lowering of assessed property values and eliminating the time limit to incur debt, is expected to facilitate the Agency's ability to secure and utilize future tax increment revenue, and to continue to participate in programs and activities aimed at eliminating conditions of blight in the Amended Project Area that it would otherwise be unable to afford.

5. The proposed method of financing the redevelopment of the project area in sufficient detail so that the City Council may determine the economic feasibility of the plan.

The Agency is authorized to finance redevelopment activities in the Existing Project Area with assistance from a variety of sources, as outlined in the 1990 Report to Council. The Agency also expects to utilize the following financing authorities, techniques, or methods (individually, or in combination) in continuing to implement the Existing Plan: (i) owner participation agreements; (ii) housing set-aside; (iii) bonds; (iv) tax increment guarantees; (v) loans and (vi) any other legal means that do not conflict with the objectives of the Existing Plan. Each financing method is described in the 1990 Report to Council. (Reference Chapter VI of this Report, below.)
Adoption and implementation of the proposed Amendment is expected to facilitate the Agency's ability to finance already promulgated redevelopment activities within the Amended Project Area. No changes are proposed by the Plan Amendment in regard to the manner in which detrimental physical, social and economic conditions will be alleviated, and no changes to the financing methods are required or proposed as part of the proposed Amendment. Therefore no further discussion is necessary.

6. A method or plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area.

The proposed Plan Amendment removes two existing industrial properties from the Project. It will not affect or modify the Existing Redevelopment Plan with respect to land uses, including housing, nor will the proposed Amendment affect or alter the relocation procedures previously adopted by the Agency. The Agency's adopted relocation procedures ensure that no persons or families of low- and moderate-income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by the displaced person or family at rents comparable to those at the time of their displacement. Furthermore, the relocation procedures provide a mechanism for allocating relocation payments to persons displaced as a result of Agency activities. The procedures also set forth qualifications and conditions for such relocation payments. The State relocation guidelines specify relocation payment criteria.

7. An analysis of the Preliminary Plan.

The proposed Amendment does not add to the boundaries of the Existing Project Area. Therefore, a Preliminary Plan is not required pursuant to CRL Section 33328.3, and none was prepared.

8. The report and recommendations of the Planning Commission including the Planning Commission's determination of the conformance of the proposed Plan Amendment to the City's General Plan.

In the City of Porterville, the City Council acts as the Planning Commission. On May 4, 2004, the City Council adopted Resolution No. 44-2004, thereby finding
the proposed Amendment to be in conformance with the Porterville General Plan. (Reference Section 7.1 of this Report.)

9. The minutes of the Project Area Committee and all information presented to them.

CRL Section 33385.3 requires that, if a Project Area Committee does not exist and the Agency proposes to amend a redevelopment plan, the Agency shall establish a project area committee if the proposed redevelopment plan amendment would do either of the following:

(1) Grant the authority to the agency to acquire by eminent domain property on which persons reside in a project area in which a substantial number of low- and moderate-income persons reside.

(2) Add territory in which a substantial number of low- and moderate-income persons reside and grant the authority to the agency to acquire by eminent domain property on which persons reside in the added territory.

These requirements are inapplicable to the proposed Amendment because the proposed Amendment does not modify Existing Redevelopment Plan provisions regarding the use of eminent domain, nor does it add territory to the Project.

10. An environmental analysis of the proposed Plan Amendment pursuant to the California Environmental Quality Act.

Chapter 7.3 of this Report sets forth the environmental procedures applicable to the proposed Amendment.

11. The report of the County Fiscal Officer.

Chapter 7.4 of this Report describes the status of the Report to the County Fiscal Officer.

12. If the project area(s) contain any low or moderate income housing, a "neighborhood impact report" is to be prepared which discussed the impact of the project on the residents of the project area and surrounding area in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services,
effect on school population and quality of education, property assessments, and taxes.

Chapter XIV of the 1990 Report to Council sets forth the potential impacts of implementing the Existing Plan upon residents of the Existing Project Area and environs in terms of relocation, traffic circulation, environmental quality, community facilities and services, school population and quality of education, property assessments and taxes, and physical and social quality.

The proposed Amendment will delete certain industrial properties from the Project, and eliminate the time limit to incur debt pursuant to state law (SB 211). The proposed Amendment will not result in any changes to the existing public housing development adjacent to the Santa Fe branch line railroad in the northeastern part of the Existing Project Area and Amended Project Area, nor would it affect any other existing or permitted residential land uses in the Existing Project Area or Amended Project Area. Thus, adoption and implementation of the proposed Amendment will not affect the conclusions outlined in the Neighborhood Impacts Report chapter of the 1990 Report to Council.

13. An analysis of the base year report submitted by the County pursuant to CRL Section 33328, a summary of the consultation of the Agency, or attempts to consult by the Agency, with each of the affected taxing entities, and a proposed response to any written objections or concerns received from any affected taxing entity, including, at the Agency's discretion, any proposed or adopted mitigation measures.

Chapter 7.5 of this Report describes consultations with affected taxing agencies.
2.0 REASONS FOR THE PROPOSED AMENDMENT

2.1 REMOVAL OF THE DETACHMENT AREA FROM THE PROJECT

Existing development in the Detachment Area consists of two industrial facilities, which together encompass approximately 26 acres. When the Redevelopment Plan was originally adopted, the assessed value of the property was substantial and represented a large percentage of the base year value for the Existing Project Area as a whole. The assessed values were primarily attributable to the quantity and quality of the equipment within the facilities. The tenants and equipment that occupied the facilities have since relocated, and though each of the facilities has been re-occupied, their assessed property values are now significantly lower. In fact, one of the facilities is currently used for warehousing and thus carries a minimal unsecured property value.

When the Existing Project Area was adopted in 1990, the assessed value of the two industrial facilities was approximately $20.9 million. Recent appraisals indicate that the properties now have a combined assessed value of approximately $2.3 million. If the proposed Amendment were not undertaken to remove the Detachment Area from the Project, future tax increment generated by the Amended Project Area would be severely limited until its assessed value improves by more than $18.5 million. Thus, the Agency’s ability to finance previously approved public improvement projects and programs in the Amended Project Area would be unnecessarily delayed if the Detachment Area remained in the Existing Project Area.
Agency analyses showed that a failure to remove these affected properties would severely restrict the continued implementation of the Project, given the Agency’s financial obligations to its housing fund, affected taxing entities, and debt service. Therefore, the selection of the boundaries of the Detachment Area was guided by the Agency’s desire to continue in eliminating or alleviating blighting conditions within the Amended Project Area as outlined in the 1990 Report to Council.

Following the removal of the Detachment Area from the Existing Project Area, approximately 445 acres will remain in the Amended Project Area.

2.2 ELIMINATION OF TIME LIMIT FOR INCURRING DEBT

Eliminating the time limit for incurring debt in the Amended Project Area is consistent with the provisions of SB 211. Under the proposed Amendment, the Agency will be authorized to incur debt in the Amended Project Area until the Plan expires on July 3, 2030.

Eliminating the time limit to incur debt is desirable because it will enable the Agency to incur debt over a longer period of time than presently authorized, thus making it possible to participate in programs and activities aimed at eliminating condition of blight that it would otherwise be unable to afford.
3.0 PROJECT AREA DESCRIPTION

3.1 PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS

The existence of blight within the Existing Project Area was established with the adoption of the Porterville Redevelopment Plan No. 1 in 1990. Pursuant to CRL Section 33368, these blight findings are final and conclusive, and may thus be presumed as continuing to permeate the currently proposed Amendment. As such, no additional findings regarding blight are required.

To assist the City Council with its review of this report, the following provides a summary of 1990 blighting conditions.

3.1.1 AGE AND DETERIORATION (1991)

Documentation of conditions within the Existing Redevelopment Plan is included in the 1990 Report to Council. This review of the conditions existing in 1990 is not meant to replace the original findings of blight, but only to summarize them for the reader.

When Amendment No. 1 was adopted in 1990, the definition of blight was, in part, as follows:

“A blighted area is one which is characterized by one or more of those conditions set forth in Sections 33031 or 33032, causing a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical, social, or economic burden on the community which cannot be
reasonably expected to be reversed or alleviated by private enterprise acting alone.”

These conditions were defined as follows:

- **Section 33031.** A blighted area is characterized by the existence of buildings and structures used or intended to be used for living, commercial, industrial, or other purposes, or any combination of such uses, which are unfit or unsafe to occupy for such purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime because of any one or a combination of the following factors:

  a) Defective design and character or physical construction.
  b) Faulty interior arrangement and exterior spacing.
  c) High density of population and overcrowding.
  d) Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities.
  e) Age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses.

- **Section 33032.** A blighted area is characterized by properties which suffer from economic dislocation, deterioration, or disuse because of one or more of the following factors which cause a reduction of, or lack of, proper utilization of the area to such an extent that it constitutes a serious physical, social, or economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

  a) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.
  b) The laying out of lots in disregard of the contours and other topography or physical characteristics of the ground and surrounding conditions.
  c) The existence of inadequate public improvements, public facilities, open spaces, and utilities which cannot be remedied by private or governmental action without redevelopment.
d) A prevalence of depreciated values, impaired investments, and social and economic maladjustment.

The primary blighting characteristics described in the 1990 Report to Council were obsolete and deteriorating structures; underutilized commercial and industrial facilities; defective design and/or layout of commercial and industrial properties; parcels of inadequate size and/or shape for contemporary commercial and industrial use; internal traffic circulation problems; deficient utilities; likely presence of asbestos, lead-based paint, and contaminated soils; and residential overcrowding.

Although not required, as part of the Plan Amendment process, GRC Redevelopment Consultants observed and documented conditions of remaining blight in the Amended Project Area in November 2003. Remaining conditions of blight include:

- Structural deterioration
- Commercial and industrial obsolescence
- Defective design and/or layout of commercial and industrial properties
- Parcels of inadequate size and/or shape for contemporary commercial and industrial use
- Likely presence of asbestos, lead-based paint, and contaminated soils
- Residential overcrowding.

These observations are consistent with findings of physical blight documented in the Report to City Council prepared for the Redevelopment Plan when it was originally adopted in 1990, and summarized above.

3.1.2. DETACHMENT AREA CONDITIONS

According to the November 2003 review of conditions of remaining blight in the Amended Project Area conducted by GRC Redevelopment Consultants, no specific blight was observed in the two industrial parcels that comprise the Detachment Area.
Approval and adoption of the proposed Amendment will not affect the intent of the Plan, which is to assist the City and Agency in implementing various activities to mitigate conditions of blight that remain in the Amended Project Area. Such activities include the construction and reconstruction of public infrastructure, and the rehabilitation of residential, commercial, industrial, and public land in conformance with the Porterville General Plan and Porterville Strategic Plan.

3.2 LAND USE CHARACTER

Adoption of the proposed Amendment will not result in any General Plan land use changes within either the Detachment Area or the Amended Project Area. Furthermore, implementation of the proposed Amendment will not affect existing land uses in the immediately surrounding area. The proposed Amendment will result in the removal of the Detachment Area from the Existing Project Area, resulting only in changes to the distribution of land uses within the Amended Project Area, as shown in Table 1, below.
Table 1
EXISTING LAND USE

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Existing Project Area</th>
<th>Detachment Area</th>
<th>Amended Project Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential*</td>
<td>20.3</td>
<td>0.0</td>
<td>20.3</td>
</tr>
<tr>
<td>Office</td>
<td>37.2</td>
<td>0.0</td>
<td>37.2</td>
</tr>
<tr>
<td>Commercial</td>
<td>53.2</td>
<td>0.0</td>
<td>53.2</td>
</tr>
<tr>
<td>Public Parking</td>
<td>6.0</td>
<td>0.0</td>
<td>6.0</td>
</tr>
<tr>
<td>Public Office &amp; Services</td>
<td>8.2</td>
<td>0.0</td>
<td>8.2</td>
</tr>
<tr>
<td>Public Historical</td>
<td>0.9</td>
<td>0.0</td>
<td>0.9</td>
</tr>
<tr>
<td>Churches</td>
<td>3.1</td>
<td>0.0</td>
<td>3.1</td>
</tr>
<tr>
<td>Vacant (developed)</td>
<td>4.2</td>
<td>0.0</td>
<td>4.2</td>
</tr>
<tr>
<td>Vacant (undeveloped)**</td>
<td>159.6</td>
<td>0.0</td>
<td>159.6</td>
</tr>
<tr>
<td>Industrial</td>
<td>69.1</td>
<td>20.9</td>
<td>48.2</td>
</tr>
<tr>
<td>Streets</td>
<td>108.2</td>
<td>5.4</td>
<td>102.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>471.0</td>
<td>26.3</td>
<td>444.7</td>
</tr>
</tbody>
</table>

* Includes nearly five acres in public housing adjacent to the Santa Fe branch line railroad in the northeastern part of the Project Area.
** Does not include the basic 100’ width of railroad rights-of-way or the area in the Tule River open space corridor.
Source: M.R. Farrell & Associates, Report to City Council of the City of Porterville 1990 on the Proposed Porterville Redevelopment Project No. 1

According to the Porterville General Plan, land within the Detachment Area is designated for industrial development.

3.3 FINDING OF URBANIZATION

The CRL includes a requirement that (at the time of plan adoption) the Project Area be predominantly urbanized. As shown in Chapter III of the 1990 Report to Council, 100% of the Existing Project Area was found to meet CRL’s definition of urbanization.

Adoption and implementation of the proposed Amendment will not affect this finding, as the Existing Project Area, less the Detachment Area, will remain urbanized, in accordance with CRL. No further discussion regarding urbanization is necessary in this Report to Council.
4.0 IMPLEMENTATION PLAN

On December 21, 1999, the Agency adopted the Five-Year Implementation Plan (the “Implementation Plan”) for the Project. The Implementation Plan describes the specific goals and objectives of the Agency and the specific projects proposed to achieve said goals and objectives. The Implementation Plan also includes a program of actions and expenditures to be made over the five years following the adoption of the Implementation Plan and a description of how these projects will eliminate blighting conditions within the Existing Project Area. The Implementation Plan will continue to serve as the Implementation Plan for the Amended Project Area upon the adoption of the proposed Plan Amendment.
5.0 ELIMINATION OF BLIGHT CANNOT BE ACCOMPLISHED BY PRIVATE ENTERPRISE ACTING ALONE

CRL Section 33352(c) requires the report submitted to the legislative body in connection with the proposed adoption of a redevelopment plan include an explanation of why the elimination of blight and the redevelopment of the proposed redevelopment project area could not be accomplished by private enterprise acting alone or by the legislative body's use of financing alternatives other than tax increment financing. As discussed in Chapter III of this Report, the Agency fully examined the blight and blighting conditions that existed within the Existing Project Area upon the adoption of the Porterville Redevelopment Project No. 1. In addition, the Agency examined, analyzed and described the reasons why the elimination of blight and the redevelopment of the Existing Project Area could not reasonably be expected to be accomplished by private enterprise acting alone or by the City Council's use of financing other than tax increment financing, to the extent then required by the CRL.

The proposed Amendment does not add any additional area to the Existing Project Area and the Agency is not proposing any other revisions to the Plan which would require that this element be re-examined at this time. Therefore, no further discussion is required in this Report regarding the ability of private enterprise acting alone or the use of other than tax increment financing to eliminate blight in the Existing Project Area.
6.0 PROJECT FEASIBILITY

6.1 METHODS OF FINANCING THE PROJECT

The Agency is authorized to finance redevelopment activities in the Existing Project Area with assistance from a variety of sources, as outlined in the 1990 Report to Council. These include:

- Tax Increment Financing
- Community Funds
- Special Assessment Districts
- Certificates of Participation
- Tax Exempt / Taxable Bonds
- Non-Profit Corporation
- Sales Tax Financing
- Housing Set-Aside
- Federal Sources of Funding
- Loans and Advances to Developers
- Purchase Price Assistance to Developers
- Rental Payments
- Owner Participation Agreements
- Tax Increment Guarantees
- Any other legal means that do not conflict with the objectives of the Redevelopment Plan.
Each financing method is described in the 1990 Report to Council, including a feasibility assessment of each method.

Adoption and implementation of the proposed Amendment will not affect the Agency's ability to finance redevelopment activities within the 1990 Amended Project Area. In fact, as mentioned in the Introduction Section of this Report, the removal of the Detachment Area will protect against a lowering of assessed property values, and the elimination of the time limit to incur debt will enable the Agency to continue to raise needed revenue to fund Plan improvements. Thus, no changes to the financing methods are required or proposed as part of the proposed Amendment, and no further discussion is necessary.

6.2 PROJECT FINANCIAL PROJECTIONS

Implementation of the proposed Amendment will result in changes in tax increment projections and implementation costs, as described below.

6.2.1 ESTIMATED PROJECT COSTS

As set forth in the 1990 Report to Council, substantial project costs are expected to be incurred in providing new or improved public facilities and improvements in the Amended Project Area. Past experience with these facilities makes estimating costs relatively easy if one recognizes that “ballpark” estimates are in order at this point in the redevelopment planning process. Other Agency cost areas present more difficulty. Although the Agency's focus is primarily on business retention, some relocation activities could occur. But, specific relocatees have not been identified at this time, nor have project phasing schedules been prepared. The same situation applies to Agency land acquisition activities, the costs of various rehabilitation activities, and financing costs. These areas too, have many unknowns which make the provision of precise cost estimates impossible at this time. Deletion of the Detachment Area will not affect cost projections contained in the 1990 Report to Council, because all projects will still be authorized following the adoption and implementation of the proposed Amendment.
6.2.2 ESTIMATED PROJECT REVENUES

Table 2 provides a year-by-year comparison of estimated gross tax increment revenues from the Amended Project Area with and without the Detachment Area. The estimate presented in Table 2 was made using the following assumptions:

- The base value (secured and unsecured) is $87,870,348 with the Detachment Area and $76,510,097 without the Detachment Area.
- Values in the Project Amended Project Area will grow at 2%/year.
- The property tax rate is 1%.

As is indicated in Table 2, the Amended Project Area will increase potential Agency revenues by $2.9 million at a modest 2% growth rate. After inflation, the increase in total receipts will be an estimated $1.7 million. This increase results from lower base year values; a lower base results in larger tax increment when subtracted from current assessed valuations. Removing the parcels does not affect current assessed valuations.

6.2.3 OTHER CHANGES

Adoption and implementation of the proposed Amendment will not affect the list of approved public improvement projects outlined in the Redevelopment Plan for the Porterville Redevelopment Project. Therefore, no changes are necessary in this regard.

6.3 ALLEVIATION OF DETRIMENTAL PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS

As outlined in the 1990 Report to Council, the Agency has proposed to alleviate the blighting conditions found to exist within the Existing Project Area by undertaking comprehensive redevelopment programs, and by providing a variety of development incentives designed to stimulate new development and rehabilitation activities. These programs, detailed in Chapters VI and VII of the 1990 Report to Council, include, but are not limited to:

- Acquisition of Land
- Rehabilitation Programs
- Construction of Buildings and Infrastructure

Adoption and implementation of the proposed Amendment will not interfere with Agency activities or programs. It is expected that continued implementation of the Redevelopment Plan in the Amended Project Area will result in the additional expansion of economic activities, and the alleviation of blighting conditions that plague the area in general. Thus, no changes are required or proposed by the Plan Amendment in regards to the manner in which detrimental physical, social and economic conditions will be alleviated.

The proposed Plan Amendment will not alter the goals and objectives of the Porterville Redevelopment Plan. Furthermore, the Agency’s list of potential public improvement projects, outlined in the Five-Year Implementation Plan, is not expected to change.

6.4 RELOCATION METHOD

On June 28, 1990, the Agency adopted Resolution No. PRA 6-90, approving a Relocation Plan in accordance with CRL Section 33411. The Relocation Plan’s purpose is to ensure that relocation activities, if any, are properly carried out with a minimum of hardship to any displacees. In this regard, the Relocation Plan assures that decent, safe, and sanitary housing is available at prices displacees can afford. In addition, the Relocation Plan ensures that no persons or
families of low- and moderate-income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by the displaced person or family at rents comparable to those at the time of their displacement. Furthermore, the Relocation Plan provides a mechanism for allocating relocation payments to persons displaced as a result of Agency activities. The Relocation Plan sets forth qualifications and conditions for such relocation payments. The amounts for relocation payments set forth in the Relocation Plan may be exceeded if conditions warrant a higher payment; however, the Agency is not required to make such a payment.

Adoption of the proposed Amendment will not affect the Agency’s ability to implement the provisions contained within the Relocation Plan, nor are any changes required.
7.0 PROJECT REVIEW

7.1 REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

In the City of Porterville, the City Council acts as the City's Planning Commission. Thus, the responsibilities and duties that are typically afforded a Planning Commission regarding the adoption of a redevelopment plan, including this proposed Amendment, have been assumed by the Porterville City Council.

At their regular meeting on May 4, 2004, the City Council considered the proposed Amendment pursuant to CRL Section 33346. The City Council adopted Resolution No. 44-2004, thereby finding the proposed Amendment to be in conformity with the Porterville General Plan.

When available, a copy of Resolution 44-2004 and the minutes of the City Council meeting relevant thereto will be obtained by Agency staff and inserted into the Final Report to City Council for the proposed Amendment.

7.2 REPORT REQUIRED BY SECTION 65402 OF THE GOVERNMENT CODE

As described in Section 7.1, above, the report of the Planning Commission required by Section 65402 of the Government Code was provided by the City Council. On May 4, 2004, the City Council found that the proposed Amendment to be in conformance with the General Plan of the City of Porterville.

No further discussion is required in this regard.
7.3 ENVIRONMENTAL EVALUATION

In accordance with the CRL and with the California Environmental Quality Act (CEQA), as amended, an environmental review, in the form of an Initial Study, was prepared to evaluate the potential impacts of the proposed Plan Amendment. As a result of this review, a Negative Declaration ("Neg Dec") was prepared and circulated to the State Clearinghouse, responsible agencies, affected taxing agencies, and other interested parties for review and comment. A copy of the Final Initial Study and Negative Declaration is attached to this Report as Appendix B. This attached document contains the Initial Study, the Negative Declaration, pertinent findings, comments received and responses to those comments.

7.4 REPORT OF THE COUNTY FISCAL OFFICER

The Report of the County Fiscal Officer, as described by Section 33328 of the CRL, is only required when an Agency is first establishing a redevelopment project area that provides for the Agency's collection of tax increment revenues, or when an Agency proposes to add territory to a redevelopment project area and the amendment provides for the Agency to collect tax increment revenues from the added area.

Since the proposed Amendment will not expand the boundaries of the Existing Project Area, a report of the county fiscal officer is not required. However to ensure that the proposed removal of the Detachment Area will not adversely impact the viability of the Redevelopment Plan, a Report of the County Fiscal Officer was requested and prepared.

Prepared pursuant to CRL Section 33328, the Tulare County's April 29, 2004, base year report evaluates the general effect of removing the Detachment Area. The base year report evaluates total 1989/90 base year assessed valuations in the Project Area, base year allocations to each taxing agency, 2003/04 ad valorem tax allocation to each taxing agency, and total revised 1989/90 base year valuations for the Project Area. A copy of the report is included at the end of this Chapter.

Removal of the Detachment Area will result in reducing the base year used for purposes of calculating tax increment
revenues from $87.9 million to $76.5 million.\(^1\) This in turn will increase tax increment flows to the Agency, but will not adversely affect property tax receipts for other taxing entities.

While not covered in the base year report, implementation of the SB211 amendment repealing the time limit to incur debt will result in additional tax increment sharing payments to other taxing entities. This will be new income to the taxing agencies over and above their current shares of revenues from the Project Area. Taxing agencies that currently have tax increment sharing agreements with the Redevelopment Agency will continue to receive their pass through payments negotiated in 1990.

Eliminating this time limit in the Redevelopment Plan would allow the Agency to incur debt until the Plan expires on July 3, 2030. This 20-year time extension would also increase the Plan’s bonding capacity by 40% to 50%, and would allow the Agency to participate in additional projects and activities that it would otherwise be unable to afford.

By eliminating this time limit, the Agency would be required to make mandatory pass-through payments to affected taxing entities that do not now receive pass through payments (Kern Community College District and the Sierra View Hospital District; see Table 3). The new payments would start in 2011, and extend through the remaining lifetime of the Plan. In total, the new pass-through payments would equal approximately 2.5% of tax increment receipts. Of these new pass-through payments, the City of Porterville general fund would receive about $236,000 in inflation-adjusted dollars. Actual (non-adjusted) receipts would be approximately $600,000.

The County of Tulare, the Porterville Unified School District, County Schools, the Tulare County Flood Control District, the Tulare County Air Pollution Control District, the Porterville Memorial District, and the Porterville Cemetery District will continue to receive pass through payments in accordance with agreements entered in to when the Redevelopment Plan was first adopted.

\(^1\) See Schedule D of the Auditor-Controller’s April 29, 2004 letter.
Table 3
ADDITIONAL SB211 PASS-THROUGH PAYMENTS

<table>
<thead>
<tr>
<th>Agency</th>
<th>Before Inflation</th>
<th></th>
<th>After Inflation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Amount</td>
<td>Percent</td>
<td>Amount</td>
</tr>
<tr>
<td>City of Porterville</td>
<td>$596,611</td>
<td>53.29%</td>
<td>$235,887</td>
</tr>
<tr>
<td>Kern Community College District</td>
<td>416,892</td>
<td>37.24%</td>
<td>158,425</td>
</tr>
<tr>
<td>Sierra View Hospital</td>
<td>106,067</td>
<td>9.47%</td>
<td>40,307</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,119,570</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>$434,619</strong></td>
</tr>
</tbody>
</table>

*Inflation calculated at 3.5% per year.
**Does not equal 100.00% due to rounding error.

Source: GRC Redevelopment Consultants, 2003 based on data provided by County Auditor-Controller and City of Porterville.

7.5 ANALYSIS OF COUNTY BASE YEAR REPORT AND SUMMARY OF CONSULTATIONS WITH TAXING AGENCIES

Recent changes in the CRL have eliminated the fiscal review process. However, the Agency is still required to consult with the affected taxing agencies when proposing to adopt a redevelopment plan or when a proposal to amend an existing redevelopment plan involves a boundary adjustment, as is the case with the proposed Amendment.

As described in Section 6.2, above, Table 2 analyzes the potential effects of removing the Detachment Area from the Existing Project Area and eliminating time limits within which to incur debt, and finds that there will be a generally beneficial effect on tax increment flow to the Agency, while not adversely affecting the various taxing agencies.

On May 26, 2004, this Report, including the Draft Amended Plan, was transmitted to each affected taxing agency. Following said transmittal, the Agency and their consultant, GRC Redevelopment Consultants Inc., will consult with said taxing agencies via telephone to discuss any expected impacts upon resulting from the implementation of the proposed Amendment. (Note that no adverse impacts are anticipated by the Agency due to the nature of the proposed Amendment.) It is expected that said consultations will begin on or about May 28, 2004. Results of these consultations will be discussed in the Final
Report to the City Council, which will prepared for the proposed Amendment in June, 2004.
City Council Resolution: Conformity
(May 4, 2004)

To be inserted when available.
City Council Minutes re: Conformity
(May 4, 2004)
Page 1

To be inserted when available.
City Council Minutes re: Conformity
(May 4, 2004)
Page 2

To be inserted when available.
AUDITOR/CONTROLLER
221 South Mooney Blvd., Room 101-E • Visalia, Ca 93291-4593 • FAX (559) 730-2547

April 29, 2004
CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257

RE: Proposed Amendment to the Porterville Redevelopment Plan Amendment 1

Pursuant to Health and Safety Code Section 33328, we hereby certify to you the following information:

a. Total local 1989/90 base year assessed valuation of all taxable properties within the proposed detachment area Schedules A and B.

b. The 1989/90 base year tax revenue allocation within the proposed project area for each taxing agency as shown on Schedule C, Column 1.

c. The 2003/04 ad valorem tax revenue allocation for each taxing agency from all properties within its boundary as shown on Schedule C, Columns 2 and 3.

d. Total revised 1989/90 base year valuations for the Porterville Redevelopment Plan for 2003/04 less the proposed detachment, as shown on Schedule D.

e. We have not estimated first year increment

Please contact our office if we can be of further assistance.

Very truly yours,

JIMMY R. ALLEN
AUDITOR-CONTROLLER

Rita Woodard
Chief Accountant – Property Taxes

Enclosures

cc: All Affected Taxing Agencies
   County Resource Management Agency – Henry Hash
   County Community Development – Ray Beach
   County Counsel - Julia Roberts
   County Administrative Office – C. Brian Haddix

Report to City Council
### Tulare County Auditor-Controller

#### PORTERVILLE 1

**Summary of Base Year values Adjustment (2004/2005 RED/REV)**

| Base Value Adjustments - RED/REV |

PORTERVILLE RDA, Amendment 1

| Received from original project at 1989 values |

#### Schedule A

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>MW OWNER</th>
<th>LAND</th>
<th>IMPROVEMENTS</th>
<th>PERSONAL PROP</th>
<th>EXEMPTION</th>
<th>TOTAL</th>
<th>LAND</th>
<th>IMPROVEMENTS</th>
<th>PERSONAL PROP</th>
<th>EXEMPTION</th>
<th>TOTAL</th>
<th>GRAND TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRA 004-084</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>280-276-005-000 Pleasant Grove TR P&amp;L LT30 PORS &amp;</td>
<td>Jostens Co</td>
<td>6,791</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>6,791</td>
</tr>
<tr>
<td>280-276-011-000 P&amp;L OR TR P&amp;L LT30 PORS &amp;</td>
<td>Standard Register Co</td>
<td>11,754</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>11,754</td>
</tr>
<tr>
<td>280-280-001-000 194 W Poplar PLEASANT GROVE TR P&amp;L LT30 T&amp;O</td>
<td>Jostens Co</td>
<td>33,510</td>
<td>2,526,958</td>
<td>522,090</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>3,072,553</td>
</tr>
<tr>
<td>200-200-019-019 194 W Poplar, Leasee Jostena Inc.</td>
<td>Condico Inc</td>
<td>0</td>
<td>85,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>85,000</td>
</tr>
<tr>
<td>280-280-006-000 194 W Poplar PLEASANT GROVE TR P&amp;L LT 36</td>
<td>Standard Register Co</td>
<td>46,237</td>
<td>7,298,956</td>
<td>147,256</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>7,452,499</td>
</tr>
<tr>
<td>280-280-04-000 Pleasant Grove TR P&amp;L LT 36 (194 W Poplar)</td>
<td>Jostens Co</td>
<td>0</td>
<td>8,796</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>8,796</td>
</tr>
<tr>
<td>280-280-004-000 Pleasant Grove TR P&amp;L LT 81</td>
<td>Jostens Co</td>
<td>1,065</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>1,065</td>
</tr>
<tr>
<td>125,432</td>
<td>9,525,614</td>
<td>965,300</td>
<td>0</td>
<td>12,925,528</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>80,000</td>
<td>0</td>
<td>80,000</td>
<td></td>
</tr>
</tbody>
</table>

### Notes

- **Total Value Adjusted:** $80,000
- **Total Exemption:** $0
- **Total Grand Total:** $12,925,528
<table>
<thead>
<tr>
<th>NEW CODE AREA</th>
<th>ROLL TYPE</th>
<th>LAND</th>
<th>IMPROVEMENTS</th>
<th>PERS PROPERTY</th>
<th>STATUTORY EXEMPTION</th>
<th>NET TOTAL</th>
<th>HOMEOWNERS EXEMPTION</th>
<th>NET NET TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>004-064</td>
<td>Secured</td>
<td>-100,449</td>
<td>-9,825,514</td>
<td>-669,355</td>
<td>-10,595,318</td>
<td>-10,595,318</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70 004-xxx</td>
<td>Unsecured</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Secured   | Utility |                      |             |                 |                     |           |
| Unsecured | Utility |                      |             |                 |                     |           |

| Secured   | Utility |                      |             |                 |                     |           |
| Unsecured | Utility |                      |             |                 |                     |           |

| Secured   | Utility |                      |             |                 |                     |           |
| Unsecured | Utility |                      |             |                 |                     |           |

| Secured   | Utility |                      |             |                 |                     |           |
| Unsecured | Utility |                      |             |                 |                     |           |

| Secured   | Utility |                      |             |                 |                     |           |
| Unsecured | Utility |                      |             |                 |                     |           |

**GRAND TOTAL**

|               |         |               |               |                 |                     |           |
|---------------|---------|---------------|---------------|                 |                     |           |

**BASE YEAR**

4/26/2004, 4:01 PM
## PORTERVILLE PROPOSED REDEVELOPMENT PROJECT
### AMENDMENT #1 ASSESSED VALUATIONS

### TAX REVENUES FOR TAX AGENCIES WITHIN AREA

#### TAX REVENUES DERIVED FROM

<table>
<thead>
<tr>
<th>TAX AGENCY</th>
<th>BASE VALUE OF PROJECT</th>
<th>BASE YEAR VALUE OF PROJECT</th>
<th>2003/04 AD VALOREM TAX REVENUES OF ALL PROPERTIES WITHIN DISTRICT'S BOUNDARY BEFORE SHIFT/ADJUSTMENTS</th>
<th>2003/04 AD VALOREM TAX REVENUES OF ALL PROPERTIES WITHIN DISTRICT'S BOUNDARY AFTER SHIFT/ADJUSTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNTY GENERAL</td>
<td>-39,194</td>
<td>65,631,449</td>
<td>26,241,455</td>
<td>26,241,455</td>
</tr>
<tr>
<td>EDUCAT REV AUG FUND</td>
<td>-21,121</td>
<td>2,893,352</td>
<td>2,761,647</td>
<td>2,761,647</td>
</tr>
<tr>
<td>PORTERVILLE UNI (EL) MTCE</td>
<td>-13,824</td>
<td>4,189,638</td>
<td>4,090,271</td>
<td>4,090,271</td>
</tr>
<tr>
<td>PORTERVILLE UNF (HI) MTCE</td>
<td>-8,088</td>
<td>2,832,289</td>
<td>2,735,025</td>
<td>2,735,025</td>
</tr>
<tr>
<td>KERN COMMUNITY COLLEGE</td>
<td>-9,111</td>
<td>4,385,731</td>
<td>4,002,055</td>
<td>4,002,055</td>
</tr>
<tr>
<td>COUNTY SCHOOL, SERV MT</td>
<td>-741</td>
<td>238,022</td>
<td>151,198</td>
<td>151,198</td>
</tr>
<tr>
<td>PORTERVILLE CEMETERY</td>
<td>-17,535</td>
<td>2,293,531</td>
<td>1,515,902</td>
<td>1,515,902</td>
</tr>
<tr>
<td>PORTERVILLE CITY</td>
<td>-1,026</td>
<td>214,053</td>
<td>162,412</td>
<td>162,412</td>
</tr>
<tr>
<td>PORTERVILLE RDA #1</td>
<td>-2,058</td>
<td>662,920</td>
<td>638,130</td>
<td>638,130</td>
</tr>
<tr>
<td>SIERRA VIEW HOSP MTCE</td>
<td>-37</td>
<td>63,273</td>
<td>58,514</td>
<td>58,514</td>
</tr>
<tr>
<td>TULARE CO AIR POLLUT</td>
<td>-579</td>
<td>983,968</td>
<td>291,799</td>
<td>291,799</td>
</tr>
<tr>
<td>TULARE CO FLOOD CONT</td>
<td></td>
<td></td>
<td>291,799</td>
<td>291,799</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>-106,811</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Schedule D 1

#### Tulare County Auditor-Controller

**Porterville Redevelopment Assessed Valuations**

**Tax Code 9967**

**Tax Rate Areas: 004-00, 004-01, 004-02, 004-03, 004-04, 004-05, 004-06, 004-07**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>LAND</th>
<th>IMPROVEMENTS</th>
<th>PERSONAL PROPERTY</th>
<th>EXEMPTIONS</th>
<th>TOTAL SECURED</th>
<th>LAND</th>
<th>IMPROVEMENTS</th>
<th>PERSONAL PROPERTY</th>
<th>EXEMPTIONS</th>
<th>TOTAL SECURITY</th>
<th>TOTAL SECURITY</th>
<th>UTILITY</th>
<th>TOTAL SECURITY</th>
<th>UTILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BASE YEAR 1989-90</strong></td>
<td>15,701,678</td>
<td>58,326,219</td>
<td>7,875,330</td>
<td>4,913,748</td>
<td>77,396,170</td>
<td>2,000,426</td>
<td>92,316</td>
<td>66,620</td>
<td>2,227,278</td>
<td>90,215,758</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BASE TRANSFER</strong></td>
<td>-252,110</td>
<td>-33,021</td>
<td></td>
<td>-274,517</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-274,517</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gov't Exempt 0001</td>
<td>-234,768</td>
<td>-144,658</td>
<td></td>
<td>-479,426</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-479,426</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gov't Exempt 0102</td>
<td>-100,449</td>
<td>-9,826,514</td>
<td></td>
<td>-10,926,963</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-10,926,963</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>UNITARY VALUE</strong></td>
<td>10,092,319</td>
<td>49,232,589</td>
<td>7,035,876</td>
<td>4,913,749</td>
<td>66,741,526</td>
<td>2,008,425</td>
<td>92,316</td>
<td>66,620</td>
<td>2,227,278</td>
<td>90,341,518</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Schedule D 2

#### Tulare County Auditor-Controller

**Porterville Redevelopment Assessed Valuations**

**Tax Code 9967**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>LAND</th>
<th>IMPROVEMENTS</th>
<th>PERSONAL PROPERTY</th>
<th>EXEMPTIONS</th>
<th>TOTAL UNSECURED</th>
<th>TOTAL UNSECURED VALUATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BASE YEAR 1989-90</strong></td>
<td>3,667,570</td>
<td>3,667,570</td>
<td>7,564,570</td>
<td>87,870,344</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BASE TRANSFER</strong></td>
<td>-274,517</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gov't Exempt 0001</td>
<td>-454,694</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gov't Exempt 0102</td>
<td>-65,808</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>UNITARY VALUE</strong></td>
<td>-65,808</td>
<td>-65,808</td>
<td></td>
<td>-10,291,126</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**3,601,360** | **3,601,360** | **7,564,722** | **78,310,067**
CITY OF PORTERVILLE
291 N MAIN ST
PORTERVILLE, CA 93257

PORTERVILLE UNIFIED SCHOOL DISTRICT
600 W GRAND AVE
PORTERVILLE, CA 93257

KERN COMMUNITY COLLEGE
2100 CHESTER
BAKERSFIELD, CA 93301

TULARE COUNTY SCHOOLS
SUPERINTENDENT: JIM VIDAK
2637 W BURRELL AVE
VISALIA CA 93291

PORTERVILLE CEMETERY
1013 E OLIVE
PORTERVILLE, CA 93257

SIERRA VIEW HOSPITAL DISTRICT
465 W PUTNAM AVE
PORTERVILLE, CA 93257

PORTERVILLE REDEVELOPMENT AGENCY
291 N MAIN ST
PORTERVILLE, CA 93257

PORTERVILLE MEMORIAL DISTRICT
1900 W OLIVE
PORTERVILLE, CA 93257

TULARE COUNTY COUNSEL

TULARE COUNTY FLOOD CONTROL
C/O TULARE COUNTY RESOURCE
MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

TULARE COUNTY GENERAL FUND
C/O TUL CO AUDITOR/CONTROLLER
221 S MOONEY BLVD RM 104E
VISALIA CA 93291

TULARE COUNTY ADMINISTRATIVE OFFICER
APPENDIX ‘A’

AMENDED REDEVELOPMENT PLAN
Porterville Redevelopment Agency

DRAFT
AMENDED
REDEVELOPMENT PLAN

Redevelopment Project No. 1,
Amendment No. 1

April 22, 2004
April 22, 2004

Adopted:
Ordinance No.

Draft
Amended Redevelopment Plan for Redevelopment Project No. 1, Amendment No. 1

PORTERVILLE REDEVELOPMENT AGENCY

CRC REDEVELOPMENT CONSULTANTS
701 S. Parker Street
Suite 7400
Orange, CA 92868
CITY COUNCIL/REDEVELOPMENT AGENCY

Pedro "Pete" Martinez, Mayor/Chairperson
Ronald L. Irish, Mayor Pro-Tem/Vice-Chairperson
Kelly E. West, Council Member/Board Member
Cameron Hamilton, Council Member/Board Member
Richard M. Stadtherr, Council Member/Board Member

REDEVELOPMENT ADVISORY COMMITTEE

Steve Tree, Chairperson
Ken Goodwin, Vice-Chairperson
Donnette Silva-Carter, Member
Dean Craig, Member
Art Cardell, Member
Marlene Marquez, Member
Don Callison, Member
Gilbert Ynigues, Member

AGENCY/CITY STAFF

John Longley, City Manager/Executive Director
Bradley D. Dunlap, Community Development Director
Julia Lew, City Attorney/General Counsel
Denise L. Marchant, Development Associate
Linda Wammack, Development Associate
John Longley, City Clerk/Agency Secretary
INTRODUCTION

This is the Amended Redevelopment Plan (the "Amended Plan") for the Porterville Redevelopment Project Area No. 1 (the "Project").

The Amended Plan was established pursuant to Ordinance No. *** of the Porterville City Council, adopted on July 3, 2004. The Amended Plan includes these pages, the attached map of territory removed from the Project (the "Detachment Area"), the attached legal description of the Detachment Area, and the attached text of the Redevelopment Plan for Redevelopment Project Area No. 1, as previously adopted (the "Original Plan").

The proposed textual changes to the Original Plan are limited to Article VII, Section (G). Said changes are hereby incorporated as follows (text shown with strikethrough indicates that which has been removed from the Original Plan).

VII. METHODS OF FINANCING THE PROJECT

G. Financial Limitations

"The Agency shall not receive more than $400 million in tax increments attributable to the Project. Furthermore, the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than twenty (20) years from the date of adoption of this Plan. Furthermore, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after July 3, 2040, except as otherwise
specifically permitted under Health and Safety Code Section 33333.6.”

No other changes to the text of the Original Plan are proposed in conjunction with the Amended Plan.
DETACHMENT AREA MAP
LEGAL DESCRIPTION
(Detachment Area)
LEGAL DESCRIPTION

PORTERVILLE REDEVELOPMENT PROJECT NO. 1, AMENDMENT NO. 1
(Detachment Area)

This Legal Description is to be used in conjunction with the Boundary Map for Porterville Redevelopment Project No. 1, Amendment No. 1. The course numbers in this Legal Description correspond with the course numbers shown on the Boundary Map.

All of that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

POB: Beginning at the intersection of the easterly Right-of-Way line of “E” Street with the northerly Right-of-Way line of State Highway 190; thence

1. West a distance of 680 feet more or less along said north Right-of-Way line to its intersection with the Porterville City Limits; thence

2. North a distance of 590 feet more or less along said City Limits line to its intersection with the north line of Lot No. 36 of Pleasant Grove Tract, also being the easterly line of Poplar Ditch on a curve concave to the southeast; thence

3. Northeasterly a distance of 365 feet more or less along said curve to its intersection with the westerly prolongation of the south line of Parcel 1 of Parcel Map No. 779 as recorded in Parcel Map recorded in Book 8 Page 79 of Parcel Maps, Records of said County; thence

4. East a distance of 1,100 feet more or less along said prolongation, said south line, and its easterly prolongation to its intersection with the northwesterly line of Poplar Ditch; thence

5. North 70° East a distance of 130 feet more or less along said northwesterly line to its intersection with the westerly Right-of-Way line of the Southern Pacific Railroad Right-of-Way; thence

6. Southerly a distance of 850 feet more or less along said westerly Right-of-Way line to its intersection with the north Right-of-Way line of State highway 190; thence

7. West a distance of 310 feet more or less along said northerly Right-of-Way line to its intersection with the easterly line of Abandoned Road, Vacation 2920; thence

8. North a distance of 40 feet more or less along said east line to its intersection with the northerly Right-of-Way line of State Highway 190; thence

9. West a distance of 520 feet more or less to the Point of Beginning.
REDEVELOPMENT PLAN

PORTERVILLE REDEVELOPMENT

PROJECT NO. 1

Prepared for the

PORTERVILLE REDEVELOPMENT AGENCY

1990

By:

M.R. FARRELL & ASSOCIATES, INC.
URBAN DEVELOPMENT CONSULTANTS
SACRAMENTO, CALIFORNIA
PORTERVILLE REDEVELOPMENT AGENCY

TABLE OF CONTENTS

I. INTRODUCTION .......................... 1

II. GENERAL DEFINITIONS ...................... 2

III. PROJECT AREA BOUNDARIES ................. 3
    Exhibit A ........................................ 4

IV. PROJECT OBJECTIVES ...................... 5

V. PROPOSED REDEVELOPMENT ACTIONS .......... 7
   A. Rehabilitation .......................... 9
   B. Property Acquisition ................... 10
   C. Participation by Owners and Re-entry
      Preference to Persons Engaged in Business in the Project ................................ 11
   D. Cooperation with Public Bodies .......... 14
   E. Property Management ..................... 15
   F. Relocation of Persons Displaced by the Project ............................................ 15
   G. Site Preparation and Improvements ...... 17
   H. Improvement of Structures by the Agency or with Agency Assistance .................... 18
   I. Property Disposition and Development .......................... 18
VI. LAND USES PERMITTED IN THE PROJECT AREA . . 23
   A. Overview of Regulations . . . . . . 23
   B. Designated Land Uses . . . . . . 24
   C. Public Streets Rights-of-Way . . . . 24
   D. Public, Semi-Public, Institutional & Non-Profit Uses . 25
   E. General Controls & Limitations . . . . 25
   F. Development Controls . . . . . . 29
   G. Development Review . . . . . . 29

VII. METHODS OF FINANCING THE PROJECT . . . . 30
    A. General Description of the Proposed Financing Methods . 30
    B. Tax Increments . . . . . . 31
    C. Alleviation of Financial Burden . . . . 32
    D. Provisions for Improving, Increasing and Preserving
       the Community's Supply of Housing . . . . 33
    E. New or Rehabilitated Dwelling Units Developed Within
       the Project Area . . . . . . 35
    F. Rehabilitation Loans & Rebates . . . . 35
    G. Financial Limitations . . . . . . 36

VIII. ACTIONS BY THE CITY . . . . . . 36

IX. ADMINISTRATION AND ENFORCEMENT OF THE PLAN . 37

X. DURATION OF THIS PLAN . . . . . . 38

XI. PROCEDURE FOR AMENDMENT . . . . . . 38
ATTACHMENT "A" - LIST OF PROPOSED PUBLIC IMPROVEMENTS

ATTACHMENT "B" - LEGAL DESCRIPTION OF THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1 BOUNDARIES
I. INTRODUCTION

This is the Redevelopment Plan ("Plan") for the Porterville Redevelopment Project No. 1. ("Project") located in the redevelopment survey area in the City of Porterville ("City"), County of Tulare ("County"), State of California. This Plan has been prepared by the Porterville Redevelopment Agency ("Agency") pursuant to the California Community Redevelopment Law ("Law"), (Health & Safety Code, Section 33000 et seq.; all statutory references hereinafter shall be to the Health & Safety Code unless indicated otherwise), the California Constitution and all applicable local codes and ordinances.

Many of the requirements contained in this Plan are necessitated by and in accordance with statutory provisions in effect at the time of adoption of this Plan. Such statutory provisions may be changed from time to time. In the event that any such changes affect this Plan's requirements and would be applicable to the Agency, the Project or this Plan, whether or not this Plan was formally amended to reflect such changes, then the requirements of this Plan that are so affected shall be superseded by such changes to the extent necessary to be in conformity with applicable laws.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the area within the boundaries of the Project ("Project Area"). Because of the long-term nature of this Plan, and the need to retain the Agency's flexibility to respond to market and economic conditions, property owner and developer interest and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish priorities for specific projects for the redevelopment, rehabilitation and revitalization of an area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within
which specific plans will be presented, specific projects will be established and specific solutions will be proposed, and by which tools are provided to the Agency to develop and proceed with such specific plans, projects and solutions.

II. GENERAL DEFINITIONS

The following references will be used generally in this Plan unless the context otherwise requires:

A. "Agency" means the Porterville Redevelopment Agency.

B. "City" means the City of Porterville.

C. "City Council" means the City Council of the City of Porterville.

D. "County" means the County of Tulare.

E. "General Plan" means City of Porterville General Plan, as it now exists or may hereafter be amended.

F. "Map" means the Redevelopment Plan Map for the Porterville Redevelopment Project No. 1 (Exhibit A).

G. "Person" means any individual or any public or private entity.

H. "Plan" means the Redevelopment Plan for the Porterville Redevelopment Project No. 1 as required by the State Community Redevelopment Law.
I. "Planning Commission" means the Planning Commission of the City of Porterville.

J. "Project" means the Porterville Redevelopment Project No. 1.

K. "Project Area" means the area included within the boundaries of the Project.

L. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000 et. seq.).

M. "State" means the State of California.

N. "Zoning Ordinance" means the City of Porterville zoning ordinance, as it now exists or may hereafter be amended.

III. PROJECT AREA BOUNDARIES

The boundaries of the proposed Porterville Redevelopment Project No. 1 are illustrated on Exhibit "A" PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1 MAP attached hereto and made a part hereof. The Project Area contains approximately 471 acres of land. Of this amount of land area, more than 80% qualifies as "urbanized area" as defined in Section 33320 of the Redevelopment Law.

The proposed Project Area consists of three sub-areas. Sub-Area I constitutes the City's Central Business District (C.B.D.); Sub-Area II is primarily a Commercial Service Area; and Sub-Area III is the Industrial Enterprise Zone area.

The legal description of the boundaries of the Project is included herein as Attachment "B" and made a part hereof.
IV. PROJECT OBJECTIVES

The general objectives of the Porterville Redevelopment Project are to mitigate or eliminate blighting conditions within the Project Area through the efforts of the Redevelopment Agency in cooperation with the City of Porterville, private property owners and private developers. The more significant specific objectives include:

1. Rehabilitate aging downtown commercial buildings to improve their viability for retail use and their appearance.

2. Restore and preserve buildings of historic character and significance.

3. Provide more conveniently located parking in the downtown retail area.

4. Assemble parcels into larger sites capable of accommodating: (1) major retailers in a shopping center complex located in the downtown area; (2) an entertainment center complex also located adjacent to the downtown; (3) a hotel/convention center; and a multi-modal transit facility.

5. Provide new streetscape and signing in the downtown to improve its image in order to attract more retail shoppers to the area.

6. Provide new infrastructure in the Central Business District to replace aging and substandard infrastructure.

7. Provide improvements to the traffic circulation system following a review by traffic engineers.

8. Provide other improvements necessary to revitalize the Central Business District and assist in carrying out the Main Street Program objectives.
9. Provide a County Civic Center area by assisting in the consolidation of branch office services into a centralized County center.

10. Eliminate patterns of land use which are incompatible and maintain balanced land uses throughout the Project Area.

11. Provide initial infrastructure for initial industrial development in the Enterprise Zone and acquire one or more sites in order to attract new industries to the area.

12. Expand existing employment base and create new employment opportunities which will reduce the City’s high rate of unemployment and underemployment.

13. Replan portions of the Project Area which are characterized by economically stagnant and improperly and under-utilized properties.

14. Rehabilitate or remove dilapidated and obsolete buildings which negatively influence new development potential in the vicinity.

15. Provide adequate housing at affordable rates for senior citizens and low and moderate income persons and families.

16. Promote seismic safety measures.

The existing blighting conditions and under-productivity of some of the Project’s commercial areas have placed the subject properties in a very unfavorable competitive position with respect to newer developments and commercial areas outside the Project Area and City. The redevelopment of commercial properties and expansion of the industrial area in the Project are necessary to ensure that adequate commercial and industrial facilities are available to properly serve the residents of the community and provide new jobs to reduce the current high unemployment rate.
The Agency can, through the redevelopment process, remove and prevent the blighted conditions and provide the catalyst to achieve the desired improvements and revitalization of the Project Area. All development in the Project will be done in accordance with the provisions of the City's ordinances and applicable elements of the General Plan which control building construction, and limit the type, size, height and use of all buildings in the City, and the land uses in the City.

The public and private cooperative efforts of the redevelopment process contained in this Plan should result in the creation of an environmentally and aesthetically pleasing project, stimulate and attract private investment thereby improving the City and County's economic health, increase employment opportunities through the expansion of commercial and industrial facilities to better serve the residents of the City, and improve the tax base.

V. PROPOSED REDEVELOPMENT ACTIONS

Pursuant to Section 33020 of the Redevelopment Law, "redevelopment, means the planning, development, replanning, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, of all or part of a survey area, and the provision of such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them."

The Agency proposes to eliminate and prevent the spread of blight and blighting influences, and to strengthen the economic use and vitality of the Project Area and the community by some or all of the following:
1. The rehabilitation, remodeling, demolition or removal of buildings, structures and improvements.

2. Providing the opportunity for participation by owners and tenants presently located in the Project Area and the extension of preferences to occupants desiring to remain or relocate within the Redeveloped Project Area, consistent with the Plan and the rules adopted by the Agency.

3. Providing relocation assistance to displaced residential and nonresidential occupants.

4. The acquisition of real property by purchase, gift, devise or any other lawful method, or by exercising the power of eminent domain, where it is deemed necessary after conduct of appropriate public hearing.

5. The combining of parcels of properties, site preparation and construction of necessary off-site improvements.

6. Providing open space.

7. The disposition of property including the lease or sale of land at the value determined by the Agency for reuse in accordance with this Plan.

8. Rehabilitating, developing or constructing low and moderate income housing within the Project Area and/or the City in compliance with State law.

9. Providing for the retention of controls and the establishment of restrictions or covenants running with the land so that property will continue to be used in accordance with this Plan.

10. The development or redevelopment of land by private enterprise or public agencies for purposes and uses consistent with the objectives of this Plan.
11. Management of any property under the ownership and control of the Agency.

12. Assisting in the provision of financing for the construction of residential, commercial and industrial buildings, as permitted by applicable State and local laws.

13. The closure or vacation of certain streets and the dedication of other areas for public purposes.

14. Providing replacement housing, if any is required.

A. REHABILITATION

As stated in Section 33021 of the Redevelopment Law, redevelopment includes in part the alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in a project area.

The primary and most desirable objective in upgrading the Project Area, where feasible, is to rehabilitate the existing structures. This could be accomplished through the property owners rehabilitating their property or properties, either individually or collectively, or through an Owner Participation Agreement between the property owner(s) and the Agency. Likewise, the Agency could acquire the property, then sell it to a developer who would be responsible for rehabilitating the property; or the Agency itself could acquire and rehabilitate the property and then proceed to sell it.
B. PROPERTY ACQUISITION

1. Acquisition of Real Property

In an effort to implement this Plan, it may be necessary for the Agency to acquire property in the Project Area. Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, real property located in the Project Area in accordance with this Plan by gift, devise, exchange, purchase, eminent domain, or any other lawful method.

The Agency may further, to the greatest extent allowed by law, purchase, lease, obtain option upon or acquire any interest in real property within a survey area or for purposes of redevelopment by any means authorized by law.

The Agency shall attempt to use all other avenues of acquisition to implement this Plan prior to the use of eminent domain.

The Agency may acquire property already devoted to a public use, but can not by law acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property if it becomes private property by being transferred by deed, lease, or otherwise, to private ownership or control before the Agency completes land disposition within the entire Project Area, if the Agency and the private owner enter into a participation agreement.

Not withstanding the foregoing, the Agency shall not acquire by eminent domain any single family residential units in Sub-Area I regardless of zoning if occupied by a low or moderate income person or family as of the date of adoption of this Redevelopment Plan.

The Agency may acquire structures without acquiring the land on which those structures are located. The Agency is authorized to acquire any other interest in real property less than a fee interest.
2. *Acquisition of Personal Property*
Generally, personal property shall not be acquired; however, when necessary in the implementation of this Plan, the Agency is authorized to acquire personal property in the Project Area, and to the greatest extent legally allowed, within a survey area, or for the purposes of redevelopment, by any lawful means.

3. *Time Limitation for Eminent Domain Proceedings*
If the Agency utilizes eminent domain proceedings to acquire property within the Project Area it must commence said proceedings within 12 years of the date of the adoption of this Plan unless extended by amendment of the Redevelopment Plan.

C. **Participation by Owners and Re-entry Preference to Persons Engaged in Business in the Project.**

1. *Owner Participation*

   a) *General Provisions*
   Persons who are owners of real property in the Project shall be given reasonable opportunity to participate in redevelopment of property in the Project Area by retaining all or a portion of their properties, by acquiring adjacent or other properties in the Project Area, or by selling their properties to the Agency and purchasing other properties in the Project pursuant to the Owner Participation Rules and Regulations adopted by the Agency and in conformity with this Plan.

   In the event an owner-participant fails or refuses to newly develop his real property pursuant to this Plan and when permitted pursuant to the Owner Participation Rules and Regulations, the real property or any
interest therein may be acquired subject to law and to the restrictions set forth herein by the Agency and sold or leased for development in accordance with the Plan.

If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners.

In addition to opportunities for participation by individual persons and firms, participation to the extent it is feasible shall be available for two or more persons, firms, or institutions, to join together in partnerships, corporations, or other joint entities.

Participation opportunities shall necessarily be subject to and limited by such factors as the expansion of public facilities; elimination and changing of land uses; realignment or vacation of streets; the ability of owners to finance acquisition and development in accordance with the Plan; and any reduction in the total number of individual parcels in the Project.

b) Participation Agreements

Each participant selected by the Agency shall enter into a binding agreement with the Agency by which the participant agrees to develop or use the property in conformity with the Plan and to be subject to the provisions thereof. In such an agreement, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties. In the event a participant breaches the terms of an owner participation agreement, the Agency shall declare the agreement terminated and may acquire the real property or any interest therein.
Where the Agency determines that a proposal for owner participation is not feasible, is not in the best interests of the Agency or City, or that redevelopment can best be accomplished without affording an owner or tenant an opportunity to execute a participation agreement, the Agency shall not be required to execute such an agreement with that owner or tenant.

In the event that the Agency is not directly involved in the development of a particular property, a participation agreement may not be required. The determination of whether or not a participation agreement is required shall be made by the Executive Director of the Agency or his designated representative whose decision, subject to an appeal to the Agency, shall be final.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project.

c) Certificate of Conformance
The Agency may, at its sole and absolute discretion, determine that certain real properties within the Project Area meet the requirements of this Plan, and the owners of such properties may be permitted to remain as owners of conforming properties without a participation agreement with the Agency, provided such owners continue to operate, use and maintain the real properties within the requirements of this Plan. A certificate of conformance to this effect may be issued by the Agency and recorded. An owner of a conforming property may be required by the Agency to enter into a participation agreement with the Agency in the event that such owner desires to (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (2) acquire additional property within the Project Area. Conformance with any specific plan, design guidelines or other local codes and
ordinances or the approval by the Agency of a building permit or entitlement for rehabilitation, modernization or change of use does not confer a right to a certificate of conformance.

In the event the Plan is amended after a duly noticed public hearing to change the requirements for the property, such otherwise conforming owners may be required to enter into a participation agreement with the Agency.

2. **Preferences for Re-entry into Project Area**
Should it be necessary, the Agency shall extend reasonable preference to persons who are engaged in business in the Project Area to re-enter in business within the redevelopment area if they otherwise meet the requirements prescribed by the Plan as set forth in the Rules Governing Owner Participation and Re-entry adopted by the Agency.

D. **COOPERATION WITH PUBLIC BODIES**

Certain public bodies are authorized by State law to aid and cooperate with or without consideration, in the redevelopment and implementation activities authorized by this Plan. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner participation if such public body is willing to enter into a participation agreement with the Agency. The Agency shall impose on all
public bodies the planning and design controls contained in the Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan.

E. PROPERTY MANAGEMENT

Any property held by the Agency shall be under the management and control of the Agency or its designated agent. Such property may be rented or leased, maintained, managed, operated, repaired and cleared by the Agency.

F. RELOCATION OF PERSONS DISPLACED BY THE PROJECT

1. Replacement Dwelling Units
Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall, within four years of the destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units within the territorial jurisdiction of the Agency. Seventy-five percent of the replacement dwelling units shall replace dwelling units available at affordable housing cost in the same income level of very low income households, lower income households, and persons and families of low and moderate income (defined in Health & Safety Code Section 33411.2), as the persons displaced from those destroyed or removed units, as required in Section 33413 of the Redevelopment Law.
2. **Replacement Housing Plan**

Not less than thirty days prior to the execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low and moderate income housing market, the Agency shall adopt by resolution a replacement housing plan.

The replacement housing plan shall include: (1) the general location of housing to be rehabilitated, developed or constructed pursuant to Section 33413 of the Community Redevelopment Law; (2) an adequate means of financing such rehabilitation, development or construction; (3) a finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained; (4) the number of dwelling units housing persons and families of low or moderate income planned for construction or rehabilitation; and (5) the timetable for meeting the plan's relocation, rehabilitation and replacement housing objectives. A dwelling unit whose replacement housing plan has been prepared, shall not be destroyed or removed from the low and moderate income housing market until the Agency has by resolution adopted a replacement housing plan.

Nothing in this section shall prevent the Agency from destroying or removing from the low and moderate income housing market a dwelling unit which the Agency owns and which is an immediate danger to health and safety. The Agency shall, as soon as practicable, adopt by resolution a replacement housing plan with respect to such dwelling unit.

3. **Assistance in Finding Other Locations**

The Agency shall assist all persons (including families, business concerns, and others) displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons displaced from their homes, the Agency shall assist individuals and families in finding
housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations and otherwise suitable to their needs. The Agency is also authorized to provide housing inside or outside the Project Area for displaced persons.

4. **Relocation Payments**
The Agency shall make relocation payments in accordance with the provisions of the California Relocation Assistance Act (Government Code Section 7260 et seq.), the guidelines adopted and promulgated by the California Department of Housing and Community Development. All relocation shall by conducted in accordance with Article 9, Chapter 4 of the Redevelopment Law.

G. **SITE PREPARATION AND IMPROVEMENTS**

1. **Preparation of Building Sites**
The Agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation, or construction of parking facilities, streets, utilities, parks, playgrounds and other public improvements necessary for carrying out the Redevelopment Plan in the Project Area.

2. **Public Improvements**
The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out the Plan as authorized by law. A list of Proposed Public Improvements is set forth in Attachment A.
H. **Improvement of Structures by the Agency or with Agency Assistance**

The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area owned by the Agency.

The Agency is also authorized and directed to advise, encourage, and assist in the improvement, rehabilitation or restoration of property not owned by the Agency.

As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

I. **Property Disposition and Development**

1. *Real Property Disposition and Development*

   a) **General**
   For the purpose of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. Except as permitted by law, no real or personal property owned by the Agency, or any interest therein, shall be sold or leased to a private person for an amount less than its fair value for uses in accordance with the Redevelopment Plan and the covenants and controls recorded against the property by the Agency.

   To the extent permitted by law, the Agency is authorized to dispose of real property by lease or sale by negotiation without public bidding.
All real property acquired by the Agency in the Project shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

All purchasers or lessees of property shall be made obligated to use the property for the purposes designated in this Plan; to begin and complete development within a period of time which the Agency fixes as reasonable; and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

In the manner required and to the extent permitted by law, before any property of the Agency acquired in whole or in part, directly or indirectly, with tax increment monies is sold or leased for development pursuant to this Plan, such sale, lease or other disposition shall first be approved by the City Council after a public hearing held in accordance with the provisions of Health and Safety Code, Section 33433.

b) Purchase and Development Documents
To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as property subject to participation agreements, shall be made subject to the provisions of this Plan.
The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, conditions running with land, rights of reverter, conditions subsequent, equitable servitude, or any other provision necessary to carry out this Plan.

Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

All property in the Project is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, sex, marital status, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use occupancy, tenure, or enjoyment of property in the Project. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sub-lease, or transfer of land in the Project shall contain such non-discrimination and non-segregation clauses as are required by law, including those prescribed by Health & Safety Code Section 33436.

c) Development
Notwithstanding the provisions of Health & Safety Code Section 33440, the Agency may, with the consent of the City Council, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without the Project, if the City Council determines: (1) that such buildings, facilities, structures, or other improvements are of benefit to the Project or the immediate neighborhood in which the Project Area is located, regardless of whether such improvements are within another project area or, in the case of a project area in which substantially all of the land is publicly owned, that such improvements are of benefit to an adjacent project area of the
Agency; and (2) that no other reasonable means of financing such buildings, facilities, structures or other improvements are available to the community. Such determinations by the Agency and City Council shall be final and conclusive.

Specifically, the Agency may pay for, install or construct the buildings, facilities, structures and other improvements identified in Attachment "A", attached hereto and incorporated herein by reference, and may acquire and pay for the land required therefor. Due to the long-term nature of this Plan and the need to retain Agency flexibility to respond to market and economic conditions, as well as developer interests and opportunities presented from time to time for redevelopment, the public improvements listed in Attachment "A" should not be considered all encompassing or limiting.

In addition to the public improvements previously referred to and specifically listed in Attachment "A", the Agency is authorized to install and construct, or cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public utilities, including but not limited to the following:

1) Construction of storm water retention basins, drainage channels, storm drains, culverts, sewer mains, water distribution systems, and other public improvements in rights-of-way or easements.

2) The installation, construction, reconstruction, redesign or reuse of street improvements, including bridges, curb, gutter, sidewalk, medians, street lighting, signalization landscaping, street furniture, off-street parking areas, public utilities, including natural gas and electrical distribution systems, flood control facilities, and other related public facilities and structures.
3) Construction of public parks, swimming pools, a performing arts center, libraries, a fire station, and other public facilities as may be required to serve the Project Area.

4) Improvement of substandard roads which are currently private after dedication for public right-of-way purposes.

When the value of such land or the cost of the installation and construction of such building, facility, structure, or other improvement, or both, has been, or will be, paid or provided for initially by the community or other public corporation, the Agency may enter into a contract with City or other public corporation under which it agrees to reimburse the community or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure, or other improvement, or both, by periodic payments over a period of years.

The obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purpose of carrying out this Redevelopment Plan for the Project Area, which indebtedness may be made payable out of taxes levied in the Project Area and allocated to the Agency under subdivision (b) of Section 33670 of the Redevelopment Law, or out of any other available funds.

In a case where such land has been or will be acquired by, or the cost of the installation and construction of such building, facility, structure, or other improvement has been paid by, a parking authority, joint powers entity, or other public corporation to provide a building, facility, structure, or other improvement which has been or will be leased to the community, such contract may be made with, and such reimbursement may be made to the community.
During the period of development in the Project Area, the Agency shall ensure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

Plans for development in the Project Area both public and private shall be submitted to the Agency and the City as appropriate for development review. All development must conform to this Plan and all applicable laws.

2. **Personal Property Disposition**
   For the purposes of this Plan the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

---

**VI. LAND USES PERMITTED IN THE PROJECT AREA**

**A. OVERVIEW OF REGULATIONS**

The City of Porterville has adopted a General Plan in compliance with the requirements for general plans of the State of California.

The permitted land uses, land use standards and other evaluation guidelines of this Redevelopment Plan shall be those set forth in the General Plan as it now exists or as it may hereafter be amended. It is further intended that all provisions of the Zoning Ordinance be applicable to development in the Project Area, and that all development in the Project Area comply with applicable State and Local Laws, Codes and Ordinances in the City, in addition to any requirements imposed pursuant to this Plan.
Finally, the applicable City zoning and planning processes shall continue to have full effect and serve as the primary determinant for land use decisions in the Project Area.

B. DESIGNATED LAND USES

The Redevelopment Plan for this Project Area adopts the land uses set forth in the General Plan as the permitted uses in the Project Area. It is intended that the land uses set forth in the General Plan as it now exists, or as it may hereinafter be amended, shall be the land uses designated for the Project Area.

C. PUBLIC STREETS RIGHTS-OF-WAY

The public street system in the Project Area shall be developed in accordance with the Circulation Element of the General Plan of the City, as amended from time to time, and street design standards as adopted by the City.

Streets and alleys may be widened, altered, abandoned, or closed as necessary for proper development of the Project Area. It is contemplated that the Agency will construct, or aid in the construction of, certain streets designated in the Plan which are not now constructed or which may require further widening or improvement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained or erected.
D. PUBLIC, SEMI-PUBLIC, INSTITUTIONAL & NON-PROFIT USES

In any area the Agency is authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional or non-profit uses including park and recreational facilities, parking facilities, libraries, educational, fraternal, employee, philanthropic, religious and charitable institutions, utilities, multi-modal transit facilities, and facilities of other similar purposes, associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable restrictions as are necessary to protect the development and uses in the Project Area.

E. GENERAL CONTROLS AND LIMITATIONS

All real property in the Project is hereby made subject to the controls and requirements of this Plan or any other plans adopted by the Agency to carry out this Plan.

No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan except in conformance with the provisions of this Plan or any other plans adopted by the Agency to carry out this Plan.

1. New Construction

All new construction shall comply with all applicable laws in effect from time to time including, but not limited to the building, electrical, heating and ventilating, housing and plumbing codes and Zoning Ordinances.

In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, other specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area.
2. **Existing Non-Conforming Uses**

The Agency is authorized, but not required, to permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area and abatement of such uses is not required by applicable City Codes. The owner of such a property may be required to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and uses in the Project Area.

The Agency may, but shall not be required to, authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

3. **Rehabilitation**

Any existing structure within the Project Area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in conformance with the City Municipal Code and in such manner that it will meet the following requirements: be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding areas. Property rehabilitation standards for rehabilitation of existing buildings and site improvements may be established by the Agency.

4. **Limitations on the Type, Size, Height, Number and Proposed Use of the Buildings**

The type, size, height, number and proposed use of buildings in the Project Area shall be limited by the General Plan, Zoning Ordinances, and other regulations and codes of the City and further regulated by the Agency.
5. **Open Space, Landscaping, Light, Air and Privacy**

The amount of open space to be provided in the Project Area is the total of all areas which will be in the public rights-of-way, the public grounds, the space around buildings and all other outdoor areas not permitted to be covered by buildings. Landscaping shall be developed to ensure optimum use of living plant material. Sufficient space shall be maintained between buildings in all areas to provide adequate light, air and privacy. The approximate amount of open space to be provided in the Project Area is set forth in the General Plan and is included as part of the goals of this Plan.

6. **Street Layout**

The street layout in and around the Project Area will include the existing streets and those proposed in the Circulation Element of the General Plan. In addition, some streets may be vacated or realigned in order to effect redevelopment.

7. **Approximate Number of Dwelling Units**

At such time as the Project Area is fully developed in accordance with the General Plan as it now exists, there will be approximately 100 new dwelling units added in the Project Area for a total of approximately 488 new and existing dwelling units within the Project Area.

8. **Buildings of Historic Significance**

Prior to any development, redevelopment or rehabilitation of any parcel within the Project Area, the Agency shall determine whether any structure located on such parcel is of historic significance. To the extent practical, special consideration shall be given to the protection, rehabilitation, or restoration of any structure determined to be historically significant.

9. **Utilities**

The Agency shall require that all utilities be placed underground when physically and economically feasible, or when not feasible, above ground utilities may be permitted at the discretion of the Agency.
10. **Incompatible Uses**
No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area. Except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration for any purpose connected therewith within 500 feet of the surface.

11. **Building Permits**
No permit shall be issued for any work pertaining to the erection, construction, movement, conversion or alteration, or the addition to any building, structure or pavement, until application for such permit has been made by the owner or his agent and processed in a manner consistent with all City requirements.

The Agency is authorized to establish permit procedures and approvals in addition to those set for the above where required for the purposes of this Plan. Where such additional procedures and approvals are established, a building permit shall be issued only after the applicant for the same has been granted all approvals required by the City and the Agency at the time of application.

12. **Signs**
All signs shall be subject to the provisions of the Municipal Code, as may be amended from time to time.

13. **Interim Uses**
Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses not in conformity with the uses permitted in the Plan. Such interim uses shall conform to all applicable City Codes.
F. DEVELOPMENT CONTROLS

All development and improvement proposals in the Project Area shall be reviewed in accordance with all of the City's zoning, building, planning and environmental ordinances, rules, regulations and requirements. The Agency's review and approval of development within the Project Area shall be undertaken in accordance with guidelines and procedures adopted from time to time by the Agency.

Within the limits, restrictions and controls established in the Plan, the Agency is authorized to establish traffic circulation, traffic access, and other development controls necessary for proper development of both private and public areas within the Project Area. All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. The land use controls of this Plan shall apply for a period of forty years.

G. DEVELOPMENT REVIEW

The Agency in cooperation with the City Council and the Planning Commission will provide all necessary safeguards to ensure the development of the Project Area pursuant to this Plan. Through the application of the site plan review and all applicable provisions of the City Municipal Code, the above mentioned agencies will ensure the development of this Project Area pursuant to this Plan. The City Council may retain those controls and establish any restrictions or covenants to run with the land sold or leased for private use for such periods of time and under such conditions as the City Council deems necessary to effectuate the purpose of this part. The establishment of such controls is a public purpose pursuant to Section 33336 of the Redevelopment Law.
The Agency is authorized to finance this Project with property tax increments, interest income, agency bonds, loans from private institutions, proceeds from the sale or lease of property, financial assistance from the Community Development Block Grant Program of the United States Department of Housing and Urban Development or any other federal program, and from the State of California, County of Tulare, City of Porterville, or any other available source permitted by law. As available, gasoline tax funds from the State of California and the County of Tulare will be used for the street system. As available, loans and grants may be used to finance portions of the Project cost.

Advances and loans for survey and planning and for the operating capital for nominal administration of this Project may be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and to permit borrowing adequate working capital from sources other than the City. The City may supply additional assistance through loans and grants for various public facilities.

The Agency is authorized to issue bonds or other debt instruments if appropriate and feasible in an amount sufficient to finance all or any part of the Project. Bonded indebtedness secured by a pledge of tax increments of the Project shall not exceed $150 million outstanding at one time without an amendment of the Plan.

The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.
B. **TAX INCREMENTS**

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State, County, City, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the Ordinance approving this Redevelopment Plan shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Redevelopment Project as shown upon the assessment roll used in connection with the taxation of such property by such property by such taxing agency, last equalized prior to the effective date of the ordinance adopting the Redevelopment Plan and subsequent Amendments shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a Redevelopment Project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County of Tulare last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on said effective date); and

2. Except as provided in paragraphs 3 and 4 below, that portion of said levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Project. Unless and until the total assessed valuation of the taxable property in the Project Area exceeds the total assessed value of the taxable property in such Project as shown by the last equalized
assessment roll referred to in paragraph 1 hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

3. That portion of the taxes in excess of the amount identified in paragraph 1 which is attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property, shall be allocated to, and when collected shall be paid into, the fund of that taxing agency.

4. The portion of taxes mentioned in paragraph 2 above may be irrevocably pledged by the Agency for payment of the principal of and interest on the advance of monies, or making loans, or the incurring or any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. The 1989-1990 assessment roll shall be the base year assessment roll for the Project Area.

C. ALLEVIATION OF FINANCIAL BURDEN

The Agency may in any year during which it owns property in the Project Area pay directly to the City, County, and any district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.
A proportionate share of any amount of money paid by the Agency to the City and County pursuant to this section shall be disbursed by the City and County to any school district with territory located within the Redevelopment Project Area in the City and County. "Proportionate share", as used in this section, means the ratio of the school district rate, which is included in the total tax rate of the City and County.

The Agency may also pay to any taxing agency with territory located within the Project other than the City, any amounts of money which, in the Agency's determination, is appropriate to alleviate any financial burden or detriment caused to the taxing agency by the Project.

D. PROVISIONS FOR IMPROVING, INCREASING AND PRESERVING THE COMMUNITY'S SUPPLY OF HOUSING

Pursuant to Section 3334.2 of the Redevelopment Law not less that 20% of all taxes which are allocated to the Agency from the Project, pursuant to subdivision (b) of Section 33670 of the Redevelopment Law, and Section B of Article VII of this Plan, shall be used by the Agency for the purposes of increasing, improving and preserving the City's supply of housing for persons and families of very low, low or moderate income unless certain findings are made, as required by such Section 3334.2 of the Redevelopment Law, to lessen or exempt such requirement. In carrying out this purpose, the Agency may exercise any or all of its powers, including, but not limited to:

(1) Acquiring land or building sites;

(2) Improving land or building sites with on-site and off-site improvements;

(3) Donating land to private or public persons or entities;

(4) Financing insurance premiums pursuant to Section 33136;
E. New or Rehabilitated Dwelling Units Developed Within the Project Area

To the extent required by Health and Safety Code Section 33413 at least thirty percent (30%) of all new or rehabilitated dwelling units developed within the Project Area by the Agency shall be available at affordable cost for persons and families of low and moderate income; and of such thirty percent (30%), no less that fifty percent (50%) thereof shall be available at affordable housing cost to, and occupied by, very low income household. At least fifteen percent (15%) of all new or rehabilitated units developed within the Project Area by public or private entities shall be available at affordable housing cost to persons and families of low and moderate income; and of such fifteen percent (15%), not less than forty percent (40%) thereof shall be available at affordable housing cost to, and occupied by, very low income households. The percentage requirements set forth in this Section shall apply in the aggregate to housing in the Project Area and not to each individual case of rehabilitation, development or construction of dwelling units.

F. Rehabilitation Loans & Rebates

The Agency and the City may commit funds from any source to a program of commercial property rehabilitation for the purposes of making below market interest rate loans or for the making of rebate payments for self financed rehabilitation work. The rules and regulations for such programs shall be developed by the Agency. The Agency and the City shall seek to acquire grant funds and direct loans from State and Federal sources, as they may be available from time to time, for carrying out such programs.
SUBJECT: REDEVELOPMENT PLAN - TIME LIMITATION AMENDMENTS FOR DEBT

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES

COMMENT: Assembly Bill 1290, (Chapter 942 of 1993), the Redevelopment reform legislation, requires that a redevelopment plan which either lacks the required time limits or which contains debt time limits in excess of the maximums established by AB 1290 must be amended by ordinance, on or before December 31, 1994, to bring the plan into conformity with these requirements.

The Redevelopment Plan for Project #1 (the "Plan") that was adopted July 3, 1990, currently stipulates forty (40) years from adoption of the plan (July 3, 2040) as the time limit for establishing debt. Section 33333.6(a) mandates that the time period for establishing debt be limited to twenty (20) years from adoption of the redevelopment plan or the year 2004 whichever is later. The Porterville Project #1 Redevelopment Plan must be amended to reflect this limitation.

In addition, the Redevelopment Plan for Project #1 does not specify a time limit on repayment of debt. Section 33333.6(c) directs that this limit must be ten years after the limit on Plan activities contained in the Plan, subject to certain limited exceptions set forth in Section 33333.6. In the Project #1 Plan, all activities must cease in 2030; accordingly, the Plan must be amended to prohibit repayment of debt after 2040 except as otherwise provided in Section 33333.6

RECOMMENDATION: That the City Council adopt the draft ordinance to amend the Porterville Redevelopment Plan for Project #1.

ATTACHMENTS: Draft ordinance

ITEM NO._______
ORDINANCE NO. 1504

AN ORDINANCE OF THE CITY OF PORTERVILLE, CALIFORNIA, ESTABLISHING AND AMENDING CERTAIN DEBT LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT #1

WHEREAS, the City Council of the City of Porterville, adopted Ordinance No. 1436 on July 3, 1990, approving and adopting the Redevelopment Plan (the "Redevelopment Plan") for the Porterville Redevelopment Project; and

WHEREAS, the Redevelopment Agency of the City of Porterville (the "Agency") as been designated as the official redevelopment agency to carry out, in the City of Porterville, the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, Section 33333.6 further provides that unless a redevelopment plan adopted prior to January 1, 1994, already contains limitations which comply with the Section, the legislative body shall adopt an ordinance on or before December 31, 1994 to amend the redevelopment plan either (1) to amend an existing time limit that exceeds the applicable time limit established by that Section, or (2) to establish time limits that do not exceed the provisions of that Section; and

WHEREAS, the time limit on the effectiveness of the Redevelopment Plan, as set forth in Article X of the Redevelopment Plan, currently scheduled to terminate on July 3, 2030 (forty (40) years from the date of adoption of the plan), does not exceed the time limit established by Section 33333.6(b), and therefore no amendment is required relating to such limitation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Redevelopment Plan which was adopted by reference by Ordinance No. 1436 of the City Council is hereby amended by amending Article VII, Section G to read, in its entirety, as follows:
"G. Financial Limitations

The Agency shall not receive more than $400 million in tax increments attributable to the Project. Furthermore, the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than twenty (20) years from the date of adoption of this Plan. Furthermore, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after July 3, 2040, except as otherwise specifically permitted under Health and Safety Code Section 33333.6."

Section 2. The purpose of the amendment of the Redevelopment Plan is to comply with Assembly Bill 1290 (Chapter 932 of 1993) by fixing the time limitation on establishing loans, advances and indebtedness, which are obligations of the Agency, and for limiting the time within which the Agency shall pay indebtedness or receive property taxes to ten (10) years from the termination of the effectiveness of the Redevelopment Plan.

Section 3. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 4. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in the Porterville Recorder, a newspaper of general circulation, published and circulated in the City of Porterville, California.

PASSED AND ADOPTED by the City Council of the City of Porterville this _____day of ____________, 1994, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

William E. Clark, Mayor Pro Tem

ATTEST:

C.O. Nifkak, City Clerk
STATE OF CALIFORNIA)

(SS

COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance #1504, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 15th day of November, 1994, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance became effective on the 15th day of December, 1994, and said ordinance is now in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

<table>
<thead>
<tr>
<th>COUNCILMEN:</th>
<th>NICHOLSON</th>
<th>CLARK</th>
<th>LEAVITT</th>
<th>GIFFORD</th>
<th>GIBBONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>AYES:</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>NOES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ABSTAIN:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

C. G. HUFFAKER, City Clerk

By
Georgia Hawley, Deputy City Clerk
G. **FINANCIAL LIMITATIONS**

The Agency shall not receive more than $400 million in tax increments attributable to the Project. Furthermore, the Agency shall not establish long-term loans, advances, and indebtedness to be repaid from tax increments to finance in whole or in part the Redevelopment Project later than 40 years after adoption of this Plan.

---

**VIII. ACTIONS BY THE CITY**

The City of Porterville shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the fulfillment of the purposes of this Plan and to prevent the recurrence and spread in the area of conditions causing blight. Action by the City shall include, but not be limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City may include the requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.

2. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities or facilities within or affecting the Project Area.
3. Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan.

4. Performance of the above, and of all other functions and services relating to public health, safety, and physical redevelopment normally rendered in accordance with a schedule which will permit the development of the Project Area to be commenced and carried to completion without unnecessary delays.

5. The undertaking and completing of any other proceedings necessary to carry out the Project.

6. It is anticipated that the City will expend funds for public improvements for the benefit of the Project.

IX. ADMINISTRATION AND ENFORCEMENT OF THE PLAN

The administration and enforcement of this Plan or other documents implementing this Plan shall be performed by the City and/or Agency, as established from time to time by the City Council. The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.
X. DURATION OF THIS PLAN

Except for the nondiscrimination and non-segregation provisions, which shall run in perpetuity, or the obligation to repay any indebtedness, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for forty (40) years from the date of adoption of this Plan by the City Council of the City of Porterville.

XI. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Redevelopment Law or by any other procedure hereafter established by law.
ATTACHMENT "A"

PROPOSED PUBLIC IMPROVEMENTS
## PROPOSED PUBLIC IMPROVEMENTS

### A. MAIN STREET COMMERCIAL AREA IMPROVEMENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Rehabilitation, Restoration and Seismic improvement of Historic Commercial Buildings</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Facade Improvement Program</td>
<td></td>
</tr>
<tr>
<td>Streetscape Improvements - Morton to Hwy. 190</td>
<td></td>
</tr>
<tr>
<td>Parking Lot Improvements - Central Business District</td>
<td></td>
</tr>
<tr>
<td>Relocate Fire Station/ Parking lot improvements</td>
<td></td>
</tr>
</tbody>
</table>

### B. SIDEWALK IMPROVEMENT PROJECTS

1. Main Street - Morton to Olive - Replacement and P.A. System, Musac, decorative lighting, etc.  

   Estimated Cost: $300,000

### C. PROPERTY ACQUISITION, CLEARANCE AND GRADING

<table>
<thead>
<tr>
<th>Item</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shopping Center Site</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Entertainment Center Site</td>
<td></td>
</tr>
<tr>
<td>County Civic Center</td>
<td></td>
</tr>
<tr>
<td>Hotel/Conference Center</td>
<td></td>
</tr>
<tr>
<td>Parking Lots</td>
<td></td>
</tr>
<tr>
<td>Transit Facility</td>
<td></td>
</tr>
</tbody>
</table>
D. **LANDSCAPING, RECREATION AND NOISE ATTENUATION**

1. Landscaping of Right-Of-Way for both rail lines (Tule River to Morton)
2. Landscaping and Recreation Improvements along Tule River (Jaye Street to Plano)
3. Bikeway along railroad to College

**ESTIMATED COST**

$ 500,000

---

E. **LOW AND MODERATE INCOME HOUSING**

1. Land Write-Downs to obtain Economic Feasibility for Affordable Housing
2. Rehabilitation

**ESTIMATED COST**

$ 1,000,000

---

F. **RELOCATION COSTS**

1. Commercial Area
2. Low Moderate Income Housing

**ESTIMATED COST**

$ 5,000,000

---

G. **FLOOD CONTROL FACILITIES**

1. Project Area Drainage Improvements
2. Enterprise Zone Drainage Facility

**ESTIMATED COST**

$ 500,000
H. SPECIAL STUDIES

1. Planning Study
2. Economic/Market Study
3. Urban Design/Streetscape
5. Seismic Survey of Existing Buildings
6. Mall District Implementation
7. Redevelopment Plan

I. TRAFFIC SIGNALS

1. New Traffic Signals-
   a) Main Street & Date Street
   b) Second Street/Third Street & Olive Avenue
   c) Second Street/Third Street & Morton Avenue
   d) Hockett & Olive
   e) Hockett & Morton
2. Other New Traffic Signals or Upgrades that may be required to carry out the Redevelopment Plan

J. BRIDGE AND CULVERT IMPROVEMENT PROJECTS

1. South Main Bridge
2. Porter Slough Culvert
3. Jaye Street Bridge
4. Plano Street Bridge

ESTIMATED COST

$ 370,000

$ 1,200,000

$ 3,300,000
K. **OFF RAMP PROJECT**

1. 190 and Main Street Off Ramps

L. **STREET IMPROVEMENT PROJECTS**

1. Major N/S Street - East Olive to Morton Reconstruction
2. Major N/S Streets - West Olive to Morton Reconstruction
3. Date - Main to Orange Reconstruction
4. Enterprise Zone - 190 to Gibbons - New
5. Main Street Realignment - Date to Olive
6. Orange - Railroad to Plano
7. Upgrade Jaye/Hwy. 190 Intersection
8. Olive Avenue - Reconstruct from Railroad to Railroad
9. Plano - Railroad to Highway 190
10. Jaye Street - Date Street to Highway 190

M. **STREET LIGHT PROJECTS**

1. Hockett - Morton to Date/Second and C - Morton to Date
2. Main - Morton to Hwy. 190

N. **PARKING LOT PROJECT**

1. Olive to Thurman in Central Business District
O. UNDERGROUNDING OF UTILITIES

1. Electrical
2. Cable television
3. Telephone

ESTIMATED COST

$ 1,000,000

P. SANITARY SEWER IMPROVEMENT PROJECTS

1. Trunk in Highway 190 - Newcomb to Jaye
2. Lift Station - Newcomb and River
3. Trunk in Newcomb - Olive to River
4. Trunk in Newcomb - River to Highway 190
5. Downtown Line Replacement
6. Sewer Mains (20,000 LF.) Replacement
7. Enterprise Zone
8. Wastewater Treatment Plant Expansion

$ 4,500,000

Q. WATER IMPROVEMENT PROJECTS

1. Downtown Line Replacement
2. Water Main (17,000 LF.) Replacement
3. Enterprise Zone
4. Loop to New 3 Million Gallon Reservoir (7,000 LF.)
5. 3 Million Gallon Reservoir and Wells - New

$ 2,600,000

TOTAL PROJECTS

$65,570,000

A-5
ATTACHMENT "B"

LEGAL DESCRIPTION OF THE
PORTERVILLE REDEVELOPMENT PROJECT NO. 1
BOUNDARIES
PORTERVILLE REDEVELOPMENT AGENCY
PORTERVILLE REDEVELOPMENT PROJECT AREA
PROJECT AREA "1"

471 ACRES

A parcel of land in the City of Porterville, County of Tulare, State of California:

BEGINNING at a point of intersection with the South Right-of-Way Line of Morton Avenue and the Northeast corner of Lot 17, Block 1 of the Map of El Bonito Tract recorded in Volume 2, Page 121 in the Tulare County Recorder's Office on February 27, 1903;

Thence, Easterly along said South Right-of-Way Line of Morton Avenue, a distance of 1990 feet, more or less, to a point of intersection with the West Right-of-Way Line of Henrahan Street (60 feet wide).

Thence, continuing Southerly along the West Right-of-Way Line of Henrahan Street and prolongation thereof, a distance of 1320 feet, more or less, to a point of intersection with the Southeast corner of Lot 18 of the recorded map for Henrahan Place, recorded in Volume 9, Page 13, on September 13, 1909, in the Tulare County Recorder's Office; said point also being located on the North Right-of-Way Line of Putnam Avenue (60 feet wide);

Thence, continuing Southerly across Putnam Avenue to a point of intersection with the South Right-of-Way Line of Putnam Avenue; said point also being located 30 feet West of the Northwest corner of Parcel No. 1 of Parcel Map No. 3284, recorded in Book 33, Page 86, in the Tulare County Recorder's Office on September 5, 1985.

Thence, continuing West along the South Right-of-Way Line of said Putnam Avenue a distance of 30 feet to a point of intersection with the East Right-of-Way Line of A.T. & S. F. Railroad;

Thence, continuing in a Southerly direction along said East Right-of-Way Line of said Railroad to a point of intersection with the Northwest corner of Parcel No. 3 of said Parcel Map No. 3284;

Thence, continuing South along the West Lot Line of said Parcel No. 3, a distance of 105.77 feet to a point of intersection with the North Right-of-Way Line of Mill Avenue;

Thence, Easterly along the North Right-of-Way Line of Mill Avenue, a distance of 90 feet, plus or minus; said point being located with a Northerly line of prolongation from the West Line of Parcel No. 1 of Parcel Map No. 2292 recorded in Book 23, Page 93, in the Tulare County Recorder's Office on September 21, 1979;

Thence, Southerly a distance of 60 feet, more or less, along said line of prolongation to a point of intersection with the Northwest corner of Parcel No. 1 of said Parcel Map No. 2292;
Thence, continuing South along the West Line and prolongation thereof of said Parcel No. 1 of said Parcel Map No. 2292, a distance of 147.5 feet, more or less, to a point of intersection with the Northeast corner of Lot 8, Block "C" of J.C. Murry's Addition, recorded in Volume 3 of Maps, Page 10, in the Tulare County Recorder's Office, State of California;

Thence, West along the North Line of said Lot 8, a distance of 60 feet, plus or minus, to a point known as the Northwest corner of said Lot 8;

Thence, Southerly along the West line and prolongation thereof of said Lot 8, a distance of 190 feet, plus or minus, to a point of intersection with the South Right-of-Way Line of Oak Avenue;

Thence, West along said South Right-of-Way Line of Oak Avenue to a point of intersection with the West Right-of-Way Line of Fourth Street;

Thence, South along said West Right-of-Way Line of said Fourth Street to a point of intersection with the South Right-of-Way Line of Garden Avenue;

Thence, West along said South Right-of-Way Line of said Garden Avenue to a point of intersection with the East Right-of-Way Line of Third Street;

Thence, South along said East Right-of-Way Line of said Third Street to a point of intersection with the North Right-of-Way Line of Olive Avenue;

Thence, West along the North Right-of-Way Line of said Olive Avenue to a point of intersection by a line of prolongation with the West Right-of-Way Line of "B" Street (80 feet wide);

Thence, South along said line of prolongation of "B" Street to a point being located on the West Right-of-Way line of "B" Street; said point being known as the Southeast corner of Parcel No. 1 of Parcel Map No. 22, Recorded in Book 1, Page 22 of Maps in the office of the Tulare County Recorder on June 20, 1968;

Thence, West along the South Lot Line of Parcel No. 1 of said map as follows:

75.00 feet West, 10.00 feet South, and 75.00 feet West
to a point known as the Southwest corner of said Parcel
No. 1 of aforementioned map;

Thence, continuing West along a prolongation of said South line of Parcel No. 1 of Parcel Map 22, a distance of 20 feet to a point of intersection with the East Lot Line of Parcel No. 1 of Parcel Map 2384, Recorded in Book 24, Page 85, of Maps in the office of the Tulare County Recorder on December 27, 1979;

Thence, South along the East Lot Line of said Parcel No. 1 of Parcel Map No. 2384, a distance of 25 feet to a point known as the Southeast corner of said Parcel No. 1 of Parcel Map No. 2384;

Thence, West along the South Lot Line of Parcel No. 1 of Parcel Map No. 2384, a distance of 150 feet to a point of intersection with the East Right-of-Way Line of "C" Street (80 feet wide);
Thence, South along the East Right-of-Way Line of said "C" Street, a distance of 1205 feet, more or less, to a point of intersection with the Northwest corner of Lot 18 of Block 46, of the Original Recorded Map No. 1-107 of Porterville;

Thence, East along the North Line of said Lot 18 and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the Northwest corner of Lot 15, Block 46, of said Original Map of Porterville;

Thence, continuing East along the North Line of said Lot 15 and prolongation thereof to a point of intersection with the Northwest corner of Lot 18, Block 39, of said Original Map of Porterville; said point also being located on the East Right-of-Way Line of "B" Street;

Thence, continuing East along the North Line of said Lot 18 of Block 39, a distance of 100 feet;

Thence, Northerly departing the North Line of said Lot 18, of Block 39, a distance of 37.5 feet and parallel with the West Line of said Lot 18, of Block 39, to a point of intersection with the North Line of Lot 19, Block 39, of said Original Map of Porterville;

Thence, East along the North Line of said Lot 19 of Block 39, and prolongation thereof a distance of 70 feet, more or less, to a point of intersection with the Southwest corner of Lot 13, Block 39, of said Original Map of Porterville;

Thence, North along the West Line of said Lot 13, Block 39, a distance of 25 feet to a point being located on the Northwest corner of said Lot 13, of Block 39, of said Original Map of Porterville;

Thence, East along the North Line of said Lot 13, a distance of 150 feet, to a point intersection with the Northeast corner of said Lot 13, and the West Right-of-Way Line of "A" Street (80 feet wide);

Thence, North along the West Right-of-Way Line of said "A" Street, a distance of 25 feet to a point of intersection with the Northeast corner of Lot 12, Block 39, of said Original Map of Porterville;

Thence, East on a Line of prolongation of the North Line of said Lot 12, a distance of 80 feet to a point of intersectiiton with the East Right-of-Way Line of "A" Street; said point also being the Northwest corner of Lot 21 of Block 34, of said Original Map of Porterville;

Thence, continuing East along the North Line of said Lot 21 and prolongation thereof, a distance of 276 feet, more or less, to a point of intersection with the West Line of Parcel No. 1 of Parcel Map No. 2391, recorded on January 4, 1980, in Book 24, Page 92 of Parcel Maps, in the Recorder's office, County of Tulare and State of California;

Thence, Southeasterly along said West Line of said Parcel No. 1, a distance of 240 feet, more or less, to a point of intersection with the North Right-of-Way Line of Orange Avenue, being 80 feet wide;
Thence, continuing Southeasterly along said North Right-of-Way Line of Orange Avenue to a point of intersection with the South Right-of-Way Line of Locust Avenue; said point being located 90 feet, more or less, West on a line of prolongation of the North Lot Line and Northwest corner of Lot No. 1 of Block No. 5 of the Subdivision Map of Cornell Addition, recorded in Volume 8, Page 40 of Maps, in the Recorder's Office, County of Tulare, State of California; said point also being the South Right-of-Way Line of Locust Avenue being 80 feet wide;

Thence, East along said line of prolongation of said Lot 1 of Block 5 of Cornell Addition and North Line of Lot No. 1, and North Line of Lot No. 34 of said Cornell Addition and South Right-of-Way Line of Locust Avenue, a distance of 417 feet, more or less, to a point of intersection with the Northeast corner of Lot No. 34 of Block 5, of said Cornell Addition; said point also being the West Right-of-Way Line of Plano Street being 60 feet wide;

Thence, continuing East on a line of prolongation of Lot No. 34 of said Cornell Addition, a distance of 60 feet to a point of intersection with the East Right-of-Way Line of Plano Street;

Thence, South along the East Right-of-Way Line of Plano Street, a prolongation thereof, a distance of 470 feet, more or less, to a point of intersection with the South Right-of-Way Line of Date Avenue being 100 feet wide; said point also being located on the Southeast corner of Plano Street and Date Avenue;

Thence, continuing Southerly along the East Right-of-Way Line of Plano Street (80 feet wide), a distance of 700 feet, more or less, to an angle point in the existing East Right-of-Way Line of Plano Street being 100 feet wide at this point;

Thence Westerly, 90.00 feet, along a line perpendicular with the East Right-of-Way Line of Plano Street, to an angle point in the West Eight-of-Way Line of Plano Street;

Thence Southerly, 74.75 feet along the West Right-of-Way line of Plano Street;

Thence West 457.50 feet, more or less, along a line perpendicular with Plano Street, to a point of intersection with the Southerly prolongation of the East line of CASAS DEL RIO Subdivision, as per map recorded in Book 31 of Maps, at Page 76, in the office of the Tulare County Recorder;

Thence, North along said Line of Prolongation of the East Line of CASAS DEL RIO Subdivision, a distance for 26.65 feet to a point of intersection with an angle point in the City Limit Line; said point also being the Southeast corner of Lot "E" of said Subdivision;

Thence, Westerly along the existing City Limit Line and South line of Lot "E" of said CASAS DEL RIO Subdivision, a distance of 927.76 feet to a point of intersection with the Southwest corner of Lot "E" of said Subdivision; said point also being an angle point in the existing City Limit line;
Thence, North along the existing City Limit Line, a distance of 230 feet, more or less, to an angle point in the existing City Limit Line;

Thence, Northwesterly along the existing City Limit Line, a distance of 324.81 feet, to a point of intersection with an angle point in the Existing City Limit Line;

Thence, South along the existing City Limit Line, a distance of 236 feet, more or less, to a point of intersection with an angle point in the existing City Limit Line;

Thence, Westerly along the existing City Limit Line, a distance of 528 feet, more or less, to a point of intersection with an angle point in the existing City Limit Line;

Thence, North along the existing City Limit Line, a distance of 660 feet to a point of intersection with an angle point in the existing City Limit Line; said point also being located on the North Line of the southwest Quarter of Section 36, Township 21 South, Range 27 East, M.D. B. and M., in the County of Tulare, State of California; said point also being the South Right-of-Way Line of Date Avenue (40 feet wide);

Thence, West along the South Right-of-Way Line of Date Avenue and existing City Limit Line, a distance of 132 feet to a point of intersection with an angle point in the existing City Limit Line;

Thence, South along the existing City Limit Line, a distance of 235 feet to a point of intersection with an angle point in the existing City Limit Line;

Thence West along the existing City Limit Line, a distance of 119.5 feet to a point of intersection with an angle point in the existing City Limit Line and East Right-of-Way Line of South Main Street being 80 feet wide;

Thence, South along the East Right-of-Way Line of South Main Street and the existing City Limit Line, a distance of 1085 feet, more or less, to an angle point in the existing City Limit Line; said point also being a point of intersection with the North Line of the Southwest Quarter of Section 36, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

Thence, East along said City Limit Line, a distance of 360 feet, more or less, to a point of intersection with the Center Line of Poplar Ditch;

Thence, Southwesterly along the Center Line of Poplar Ditch, a distance of 450 feet, more or less;

Thence, South a distance of 88.95 feet, more or less, to a point of intersection with an angle point in the existing City Limit Line;

Thence, West along the existing City Limit Line, a distance of 152.5 feet to a point in the existing City Limit Line; said point also being the east Right-of-Way Line of South Main Street;
Thence, South along the existing City Limit Line, a distance of 944 feet, more or less, to a known point being the Southwest corner of Lot 20 of Price Garden Acres, Recorded in Volume 17 of Maps, Page 20, Tulare County Records, State of California;

Thence, continuing South along the East Right-of-Way Line of South Main Street and Line of Prolongation of the West Lot Line of said Lot 20, a distance of 50 feet to a point known as the Northwest corner of Lot 1 of Brown's Acre Subdivision, recorded in Volume 15, Page 22 of Subdivision Maps, in the Tulare County Recorders Office, State of California;

Thence, continuing South along the East Right-of-Way Line of Main Street (60 feet wide), a distance of 1100 feet, more or less, to a point of intersection with the North Right-of-Way Line of College Avenue (60 foot wide);

Thence, continuing South along said East Right-of-Way Line of South Main Street, a distance of 950 feet, more or less, to a point of intersection with the existing City Limit Line;

Thence, West along the existing City Limit Line, a distance of 160 feet to an angle point in the existing City Limit Line; said point being located on the West Right-of-Line of the Southern Pacific Railroad;

Thence, South continuing along the existing City Limit Line, a distance of 580 feet, more or less, to an angle point in the existing City Limit Line;

Thence, Westerly along the existing City Limit Line, a distance of 28 feet to an angle point in the existing City Limit Line;

Thence, Southerly along the existing City Limit Line, a distance of 650 feet, more or less, to an angle point in the existing City Limit Line;

Thence, West along the existing City Limit Line, a distance of 950 feet, more or less, to an angle point in the existing City Limit Line; said point also being the Northeast corner of Parcel No. 2 of Parcel Map No. 2238, recorded in Book 23 of Parcel Maps, Page 39, in Tulare County Records, State of California;

Thence, South along the existing City Limit Line, a distance of 662.71 feet to an angle point in the existing City Limit Line; said point also being the North Right-of-Way Line of Gibbons Avenue (55 feet wide);

Thence, West along the existing City Limit Line and North Right-of-Way Line of said Gibbons Avenue, a distance of 399.78 feet to an angle point in the existing City Limit Line;

Thence, North along the existing City Limit Line, a distance of 1310 feet, more or less, to an angle point in the existing City Limit Line; said point also being the Southeast corner of Parcel No. 3 of Parcel Map No. 1601, Recorded in Book 17 of Parcel Maps, Page 2, in Tulare County Records, State of California;
Thence, continuing North, along the East lines of Parcel No. 3 and Parcel No. 2 of said Parcel Map No. 1601, a distance of 2478.30 feet to a point being the Northeast corner of said Parcel No. 2 of Parcel Map No. 1601;

Thence, continuing North on a line of prolongation of said East Line of Parcel No. 2 of said Parcel Map No. 1601, a distance of 179.99 feet to a point of intersection with the North Line of the Northwest Quarter of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian; said point also being South 89°47'32" East, a distance of 1321.55 feet East of the Northwest corner of said Section 2;

Thence, Northwesterly on a line extending across State Highway 190, a distance of 215 feet, more or less, to a point of intersection with the North Right-of-Way Line of State Highway 190 and the East Right-of-Way Line of Poplar Ditch (65 feet wide);

Thence, Northerly along said East Right-of-Way Line of Poplar Ditch, a distance of 564.25 feet to a point of intersection with the Southeast corner of Parcel 2 of Parcel Map No. 1014, Recorded in Book 11 of Parcel Maps, Page 15, in the Tulare County Recorder's Office, State of California;

Thence, continuing along an arc being the East Line of said Parcel 2, a distance of 139.75 feet to an angle point in the East Line of said Parcel No. 2;

Thence North 41°53'47" West, a distance of 65.00 feet to an angle point in the North Line of said Parcel 2; said point also being the Northwesterly Right-of-Way Line of Poplar Ditch;

Thence, Westerly along the North Line of said Parcel 2, a distance of 358.75 feet to a point being the Southwest corner of Parcel 1, of said Parcel Map No. 1014;

Thence, North 00°24'22" East, a distance of 450.00 feet along the West Line of said Parcel 1, of Parcel Map No. 1014, to a point of intersection with the South Right-of-Way Line of Springville Avenue (60 feet wide); said point also being the Northwest corner of said Parcel 1;

Thence, East along the South Right-of-Way Line of said Springville Drive, a distance of 190 feet, plus or minus, to a point of intersection with a line of Southerly prolongation of the West Line of Lot 57 of Pleasant Grove Tract, recorded in Volume 9 of Maps, Page 1, in the County Recorder's Office, County of Tulare;

Thence, North along said Line of prolongation, a distance of 60 feet to a point known as the Southwest corner of Lot 57 of said Pleasant Grove Tract;

Thence, continuing North along the West Line of said Lot 57, a distance of 515 feet, plus or minus, to a point of intersection with the North Line of Parcel No. 2 of Parcel Map No. 1002, recorded in Book 11 of Parcel Maps on Page 3 in the County Recorder's Office, County of Tulare;

Thence, continuing Southeasterly along the North Line of said Parcel No. 2 of Parcel Map No. 1002, as follows:
Thence, South 81°50'47" East, a distance of 331.56 feet;
Thence, South 71°30'10" East, a distance of 209.99 feet;
Thence, North 88°26'08" East, a distance of 131.49 feet;
Thence, South 89°49'16" East, a distance of 113.12 feet to a point
being known as the Southeast corner of Lot 55 of said Pleasant Grove Tract;

Thence, Northerly along the East Line of said Lot 55 and prolongation
thereof, a distance of 430 feet, more or less, to a point of intersection
with the South line of Lot 36 of Swastika First Extension, recorded in
Volume 16 of Maps, Page 7, in the Tulare County Recorder's Office, State of
California;

Thence, West along the South Line of said Lot 36 of said Swastika First
Extension, a distance of 18 feet, more or less, to the Southwest corner of
said Lot 36;

Thence, Northerly along the West line of said Lot 36 and prolongation
thereof, a distance of 158 feet, more or less, to a point of intersection
with the Southeast corner of Lot 34 of said Swastika First Extension; said
point also being the West Right-of-Way Line of South "E" Street (40 feet
wide);

Thence, North along said West Right-of-Way Line of said South "E" Street, a
distance of 274 feet, more or less, to a point located on the Southeast
corner of Lot 7 of Swastika Subdivision, Recorded in Volume 7 of Maps, Page
65, in the Tulare County Recorder's Office, State of California; said point
also being the West Right-of-Way of said South "E" Street (75 feet wide);

Thence, North along said West Right-of-Way Line of South "E" Street, a
distance of 3,979 feet, more or less, to a point of intersection with the
South Right-of-Way Line of Putnam Avenue; said point also being the
Northeast corner of Lot 1, Block No. 6, of the Map of El Bonito Tract,
Recorded in Volume 2 of Maps, on Page 121, in the Tulare County Recorder's
Office, State of California;

Thence, East along said South Right-of-Way Line of Putnam Avenue, a
distance of 230 feet, more or less, to a point known as the Northeast
corner of Lot No. 1, Block No. 5 of said El Bonito Tract;

Thence, North along a line being parallel with the West Right-of-Way line
of the Southern Pacific Railroad, a distance of 1230 feet to the point of
beginning.
PORTERVILLE REDEVELOPMENT AGENCY

AREA TO BE EXCLUDED FROM PORTERVILLE'S
REDEVELOPMENT PROJECT AREA "1"

A parcel of land in the City of Porterville, County of Tulare, State of California:

BEGINNING at a point on the southeast corner of Lot 16 of Block No. 49, of an amended map of the City of Porterville, surveyed in 1888, recorded in Volume 2, Page 107 and original map subsequently filed in Volume 3, page 18 of maps, in the County of Tulare, State of California; said point also being a point of intersection with the north right-of-way line of Date Avenue (40 feet wide) and west right-of-way line of South "C" Street (80 feet wide);

Thence north along the west right-of-way line of said "C" Street and prolongation thereof, a distance of 780 feet, more or less, to a point of intersection with the southeast corner of Lot 4 of Block 50 of said amended map of the original map of Porterville; said point also being located 100 feet south of the south right-of-way line of Orange Avenue;

Thence, easterly across South "C" Street, a distance of 80 feet to a point of intersection with the northwest corner of Lot 28 of Block No. 47 of said amended map of Porterville;

Thence, continuing east along the north line of said Lot 28, Block No. 47, and prolongation thereof and the north line of Lot 5, Block No. 47 and prolongation thereof for said amended map of Porterville, a distance of 480 feet to a point of intersection with the east right-of-way line of South "B" Street (80 feet wide); said point also be located on the northwest corner of Lot 28, Block No. 38 of said amended map;

Thence, north along said east right-of-way line of "B" Street, a distance of 50 feet to a point known as the northwest corner of Lot 30, Block No. 38, of said amended map of Porterville;

Thence, east along the north line and prolongation of Lot 30 of Block No. 38 of said original map of Porterville, and continuing east along the north line of Lot 3, Block No. 38 of said original map, a distance of 320 feet to a point of intersection with the northeast corner of Lot 3, Block No. 38, and west right-of-way line of "A" Street (80 feet wide);

Thence, continuing east on a line of prolongation of said north line of Lot 3 of Block No. 38, a distance of 80 feet to a point of intersection with the northwest corner of Lot 30, Block No. 35 of said amended map of Porterville; said point also being the east right-of-way line of South "A" Street;

Thence, east along the north line of said Lot 30, Block No. 35, a distance of 85 feet, more or less, to a point of intersection with the northwest corner of Lot 3, Block No. 1 of the Subdivision Map of Cornell Addition, recorded in Volume 8, Page 40 of Maps, in the Recorder's Office, County of Tulare, State of California;
Thence, east along the north line of said Lot 3 of Block No. 1 and prolongation thereof of said Cornell Addition, and continuing across the north line of Lot 30 of Block No. 1 and prolongation thereof of said Cornell Addition, a distance of 312 feet, more or less, to a point of intersection with the northwest corner of Lot 2, Block No. 2 of Cornell Subdivision; said point also located on the east right-of-way line of Wallace Street;

Thence, south along said right-of-way line a distance of 50 feet to a point being the southwest corner of Lot 3 of said Block No. 2;

Thence, east across the south line of said Lot 3 of Block No. 2 of said Cornell Addition, a distance of 150 feet, more or less, to a point of intersection with the southeast corner of said Lot 3 of Block No. 2;

Thence, south along the east lines of Lots 4, 5, 6, 7, and 8 of said Block No. 2 of Cornell Addition, a distance of 125 feet, more or less, to a point of intersection with the southeast corner of said Lot 8 of Block No. 2;

Thence, east along a line of prolongation of the south line of said Lot 8 Block No. 2, a distance of 20 feet, more or less, to a point of intersection with the northwest corner of Lot 22 of Block No. 2;

Thence, east along the north line of said Lot 22, a distance of 150 feet, more or less, to a point of intersection with the northeast corner of said Lot 22 of Block No. 2;

Thence, south along the east line of Lot 22, a distance of 10 feet, more or less, to a point of intersection with the south right-of-way line of Orange Avenue; said point also being on the west right-of-way line of Cornell Street;

Thence, southeasterly along the south right-of-way line of Orange Avenue, a distance of 105 feet, more or less, to a point of intersection with the east right-of-way line of Cornell Street (80 feet wide);

Thence, south along said east right-of-way line, a distance of 172.5 feet, more or less, to a point of intersection with the south right-of-way line of Locust Avenue (80 feet wide);

Thence, east along the south right-of-way line of said Locust Avenue, a distance of 170 feet, more or less, to a point of intersection with the northwest corner of Lot 34 of Block No. 6 of said Cornell Addition;

Thence, south along the west lot lines of Lots 34 through Lot 20 of Block No. 6, a distance of 375 feet, more or less, to a point of intersection with the southwest corner of said Lot 20 of Block No. 6;

Thence, west a distance of 20 feet, more or less, to a point of intersection with the southeast corner of Lot 15 of Block No. 6;

Thence, continuing west along the south lot line of said Lot 15, and prolongation thereof, a distance of 230 feet, more or less, to a point of intersection with the southeast corner of Lot 20 of Block No. 7 of said
Cornell Addition; said point being located on the west right-of-way line of said Cornell Street;

Thence, west along the south line of said Lot 20 and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the southeast corner of Lot 15 of Block No. 7;

Thence, west along the south line of said Lot 15, and prolongation thereof, a distance of 230 feet, more or less, to a point of intersection with the west right-of-way line of Wallace Street (80 feet wide); said point also being located on the northeast corner of Lot 19 of Block No. 8 of said Cornell Addition;

Thence, south along the east line of said Lot 19, a distance of 25 feet, more or less, to a point of intersection with the southeast corner of said Lot 19;

Thence, west along the south line of said Lot 19, and prolongation thereof, a distance of 237 feet, more or less, to a point of intersection with the southwest corner of Lot 16 of Block No. 8 of said Cornell Addition; said point also being the southeast corner of Lot 17, Block No. 36 of said original amended map of Porterville;

Thence, west along the south line of Lot 17 and prolongation thereof, a distance of 163 feet, more or less, to a point of intersection with the west right-of-way line of "A" Street (80 feet wide), and the southeast corner of Lot 16 Block No. 37 of said original amended map of Porterville;

Thence, west along the south line of Lot 16 of Block No. 37, and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the southeast corner of Lot 17 of Block No. 37;

Thence, west along the south line of Lot 17 and prolongation thereof, a distance of 230 feet, more or less, to a point of intersection with the west right-of-way line of "B" Street (80 feet wide), and the southeast corner of Lot 16 Block No. 48 of said original amended map of Porterville;

Thence, west along the south line of Lot 16 of Block No. 48, and prolongation thereof, a distance of 170 feet, more or less, to a point of intersection with the southeast corner of Lot 17 of Block No. 48;

Thence, west along the south line of Lot 17 of Block No. 48, and prolongation thereof, a distance of 230 feet, more or less, to the point of beginning.
APPENDIX 'B'

INITIAL STUDY AND NEGATIVE DECLARATION
February 23, 2004

Draft
Initial Study and Negative Declaration for Porterville Redevelopment Project No. 1, Amendment No. 1

PORTERVILLE REDEVELOPMENT AGENCY
DRAFT INITIAL STUDY
AND
NEGATIVE DECLARATION

For

PORTERVILLE REDEVELOPMENT PROJECT NO. 1,
AMENDMENT NO. 1

February 23, 2004

Prepared for:
Porterville Redevelopment Agency
291 N. Main Street
Porterville, California 93257
(559) 782-7460

Prepared by:
GRC Redevelopment Consultants, Inc.
701 S. Parker Street, Suite 7400
Orange, California 92868
(714) 234-1122
NEGATIVE DECLARATION

Project Name: Porterville Redevelopment Project No. 1, Amendment No. 1

City/County: City of Porterville, County of Tulare

Project Description: The primary objective of the proposed project is to remove approximately 26 acres (the "Deletion Area") from the 471-acre Redevelopment Project Area No. 1 (the "Existing Project Area"). Following the removal of the Detachment Area from the Existing Project Area, approximately 445 acres will remain in Redevelopment Project Area No. 1 (the "Amended Project Area"). The proposed project will also technically amend the Redevelopment Plan to repeal the time limit for incurring debt in the Amended Project Area in accordance with recent changes in State law. No other changes to the Redevelopment Plan are being considered at this time.

Assessor's Parcel Number: The Detachment Area includes the following parcels: 260-270-005, 260-270-011, 260-280-001, 260-280-005, 260-290-004, 260-300-004; the Amended Project Area includes all or portions of Assessor's Parcel Map Books, 252, 253, 260, 261, 269.

Project Proponent: Porterville Redevelopment Agency
291 N. Main Street
Porterville, California 93257

Contact: Bradley D. Dunlap, AICP
Community Development Director
(559) 782-7460

The City Council, having reviewed the Initial Study of this proposed project and having reviewed the written comments received prior to the public hearing of the Redevelopment Agency/City Council, including the recommendations of City Staff, does hereby find and declare that the proposed project will not have a significant impact on the environment as mitigated. A brief statement of the reasons supporting the Redevelopment Agency/City Council findings follow:

1. To be completed.
2.
3.

A copy of the Initial Study may be obtained at: Porterville Redevelopment Agency
291 N. Main Street
Porterville, California 93257
(559) 782-7460

Staff Signature: Bradley D. Dunlap, AICP
Community Development Director, City of Porterville

Date to Planning Commission: N/A

Date to City Council: To be determined.

Date filed with County Clerk:
CITY COUNCIL/REDEVELOPMENT AGENCY

Richard M. Stadtherr, Mayor/Chairperson
Pedro "Pete" Martinez, Mayor Pro-Tem/Vice-Chairperson
Kelly E. West, Council Member/Board Member
Cameron Hamilton, Council Member/Board Member
Ronald L. Irish, Council Member/Board Member

REDEVELOPMENT ADVISORY COMMITTEE

Steve Tree, Chairperson
Ken Goodwin, Vice-Chairperson
Donnette Silva-Carter, Member
Dean Craig, Member
Art Cardell, Member
Marlene Marquez, Member
Don Callison, Member
Gilbert Ynigues, Member

AGENCY/CITY STAFF

John Longley, City Manager/Executive Director
Bradley D. Dunlap, Community Development Director
Julia Lew, City Attorney/General Counsel
Denise L. Marchant, Development Associate
Linda Wammack, Development Associate
John Longley, City Clerk/Agency Secretary
# TABLE OF CONTENTS

Preface ........................................................................................................................................... 1
Conclusions and Findings ........................................................................................................... 2
Incorporation by Reference ........................................................................................................ 2

1.0 Project Description ............................................................................................................... 5
   1.1 Project Title ..................................................................................................................... 5
   1.2 Lead Agency .................................................................................................................... 5
   1.3 Contact Person ................................................................................................................ 5
   1.4 Project Location .............................................................................................................. 5
   1.5 Description of the Project .............................................................................................. 6
   1.6 Existing Setting ............................................................................................................... 8
   1.7 General Plan Designation .............................................................................................. 10
   1.8 Surrounding Land Uses .................................................................................................. 11
   1.9 List and Describe Any Other Related Permits and Other Public Approvals Required for the Project, Including Those Required by City, Regional, State, and Federal Agencies.................................................................................. 11

2.0 Environmental Impacts ........................................................................................................ 17

3.0 Determination ...................................................................................................................... 19

4.0 Criteria for the Evaluation of Environmental Impacts ..................................................... 21

5.0 Analyses and Discussion of Environmental Impacts ......................................................... 23
   I. Aesthetics ........................................................................................................................... 23
   II. Agricultural Resources ................................................................................................. 24
   III. Air Quality .................................................................................................................... 25
   IV. Biological Resources .................................................................................................... 26
   V. Cultural Resources ......................................................................................................... 27
   VI. Geology and Soils .......................................................................................................... 28
   VII. Hazards and Hazardous Materials ............................................................................ 30
   VIII. Hydrology and Water Quality .................................................................................. 31
   IX. Land Use and Planning ............................................................................................... 33
   X. Mineral Resources ......................................................................................................... 34
XI. Noise ................................................................. 34
XII. Population and Housing ................................. 35
XIII. Public Services .................................................. 36
XIV. Recreation ........................................................... 37
XV. Transportation/Traffic ........................................ 38
XVI. Utilities and Service Systems ......................... 39
XVII. Mandatory Findings of Significance ............... 41

6.0 Sources Cited in the Evaluation of
Environmental Impacts ............................................ 43

LIST OF TABLES
1. Existing Land Uses .............................................. 9

LIST OF FIGURES
1. Regional Location ............................................. 12
2. Existing Project Area .......................................... 13
3. Deletion Area .................................................... 14
4. Amended Project Area ......................................... 15
PREFACE

This Initial Study (the “Initial Study”) has been prepared for Amendment No. 1 (the “Amendment”) to the Redevelopment Plan (the “Plan”) for Redevelopment Project No. 1 (the “Project”) in the City of Porterville, County of Tulare, State of California. The Initial Study was prepared by the Porterville Redevelopment Agency (the “Agency”) in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; “CEQA”), the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; “CRL”), the California Constitution, and all applicable laws and ordinances of the City of Porterville, County of Tulare, and State of California.

The proposed Amendment will remove approximately 26 acres (the “Detachment Area”) from the 471-acre Project Area No. 1 (the “Existing Project Area”). Following the removal of the Detachment Area from the Existing Project Area, approximately 445 acres will remain in Project Area No. 1 (the “Amended Project Area”). The proposed Amendment will also technically amend the Plan to repeal the time limit for incurring debt in the Amended Project Area in accordance with recent changes in State law (Chapter 741 of Statutes 2001; “SB 211”).

The adoption and implementation of a redevelopment plan amendment is classified as a Project pursuant to CEQA. As such, this Initial Study has been prepared pursuant to State CEQA Guidelines Section 15063.

The Porterville Redevelopment Agency will be the Lead Agency for the proposed amendment, and the City of Porterville will be a responsible agency, pursuant to Section 15050 of the State CEQA Guidelines.
CONCLUSIONS AND FINDINGS

The removal of the Detachment Area is desirable because assessed property values therein were recently lowered to an extent that significantly jeopardized the Project’s future tax increment generating potential. Fiscal analyses showed that a failure to address the situation would severely restrict the Agency’s future ability to implement the Project, given the Agency’s financial obligations to its housing fund, affected taxing entities, and debt service.

Eliminating the time limit to incur debt pursuant to SB 211 is desirable because the Agency will be able to incur debt over a longer period of time than presently authorized, thus making it possible to participate in programs and activities aimed at eliminating conditions of blight in the Amended Project Area that it would otherwise be unable to afford.

Approval and adoption of the proposed Amendment will not affect the intent of the Plan, which is to assist the City and Agency in implementing various activities to mitigate conditions of blight that remain in the Amended Project Area. Such activities include the construction and reconstruction of public infrastructure, and the rehabilitation of residential, commercial, industrial, and public land in conformance with the Porterville General Plan and Porterville Strategic Plan.

This Initial Study analyzes the proposed Amendment for potential environmental impacts resulting from its adoption and implementation, and finds that, pursuant to Section 15064 or 15065 of the State CEQA Guidelines, adoption and implementation of the proposed Amendment will not adversely impact local environmental conditions or resources to any significant degree. As such, a Negative Declaration is proposed pursuant to Section 15070 of the State CEQA Guidelines.

INCORPORATION BY REFERENCE

Section 15150 of the State CEQA Guidelines encourages the incorporation of other documents by reference to eliminate the need for the inclusion of copious technical and other background information in environmental documents. Of particular relevance to the proposed Amendment and this Initial Study is the Report to City Council prepared for the Plan, the Porterville General Plan and General Plan EIR, and the Porterville Strategic Plan. These documents, described briefly below, are hereby incorporated by reference into this Initial Study, and are available for public inspection at the
Porterville Redevelopment Agency, 291 N. Main Street, Porterville, California, 93257.

- **Report to the City Council of the City of Porterville on the Proposed Redevelopment Plan for Porterville Redevelopment Project Area No. 1:** This document was prepared in 1990 during the Redevelopment Plan adoption process, and contains the full text of the Plan, including a description of the physical, economic, and social conditions of the Existing Project Area, proposed methods for financing the Project, Project-related cost estimates, the Relocation Method for the Project, and the EIR certified for the Project. The EIR evaluates environmental impacts resulting from the implementation of the Project.

- **Porterville General Plan and General Plan EIR:** The City's General Plan contains all of the elements required by State law, and the General Plan EIR evaluates environmental impacts associated with development pursuant to the General Plan.

In accordance with State law, the proposed Amendment must be consistent with the General Plan. As such, this Initial Study examines the relationship between the proposed Amendment and the General Plan, and evaluates the environmental impacts associated with its implementation.
1.0 PROJECT DESCRIPTION

1.1 PROJECT TITLE
Porterville Redevelopment Project No. 1, Amendment No. 1

1.2 LEAD AGENCY
Porterville Redevelopment Agency
291 N. Main Street
Porterville, California 93257
(559) 782-7460

1.3 CONTACT PERSON
Lester Miyoshi, Associate
GRC Redevelopment Consultants, Inc.
701 S. Parker Street, Suite 7400
Orange, California 92868
(714) 234-1122

1.4 PROJECT LOCATION
The Existing Project Area encompasses 471 acres, covering approximately 17% of the land within the City’s boundaries (see Figures 1 and 2). The boundaries of the Existing Project Area are highly irregular, and extend from Morton Avenue on the north, to Gibbons Avenue and the City’s southerly limits on the south. Its westerly boundaries include the Southern Pacific Railroad right-of-way, ‘E’ Street, and along various parcel lines westerly of ‘E’ Street, while its easterly boundaries include the Atchison, Topeka and Santa Fe Railroad right-of-way, Fourth Street, Third Street, ‘C’ Street, Plano Street, and Main Street.
The Deletion Area is located in the southerly one-half of the Existing Project Area, generally south of the Tule River, north of State Route 190, and west of Main Street (see Figure 3). The Deletion Area consists of six (6) parcels and encompasses approximately 26 acres, inclusive of streets and rights-of-way.

If the proposed Amendment is approved and adopted, approximately 445 acres will remain in the Project (the “Amended Project Area,” see Figure 4). The proposed Amendment will not otherwise affect the boundaries of the Existing Project Area.

1.5 DESCRIPTION OF THE PROJECT
(Describe the whole action involved, including, but not limited to, later phases of the project and any secondary support or off-site features necessary for its implementation.)

The proposed Amendment involves the following actions:

1. Removal of the 26-acre Deletion Area from the 471-acre Existing Project Area. The 445-acre Amended Project Area will remain in Redevelopment Project No. 1.

   The removal of the Detachment Area is desirable because assessed property values therein were recently lowered, which significantly impacted the Project’s future tax increment generating potential. Agency analyses showed that a failure to address the situation would severely restrict the continued implementation of the Project, given the Agency’s financial obligations to its housing fund, affected taxing entities, and debt service.

2. Pursuant to SB 211, the time limit for incurring debt in the Amended Project Area will be eliminated from the Redevelopment Plan. The Agency will thus be authorized to incur debt in the Amended Project Area until the Plan expires on July 3, 2030.

   Eliminating the time limit to incur debt is desirable because it will enable the Agency to incur debt over a longer period of time than presently authorized, thus making it possible to participate in programs and activities aimed at eliminating condition of blight that it would otherwise be unable to afford.
No other changes to the Redevelopment Plan are proposed at this time.

Approval and adoption of the proposed Amendment will not affect the intent of the Redevelopment Plan, which is to assist the City and Agency in implementing various activities to mitigate conditions of blight that remain in the Amended Project Area. Such activities include the construction and reconstruction of public infrastructure, and the rehabilitation of residential, commercial, industrial, and public land in conformance with the Porterville General Plan and Porterville Strategic Plan. The objectives of the Redevelopment Plan will remain as previously adopted, as follows:

1. Rehabilitate aging downtown commercial buildings to improve their viability for retail use and their appearance.
2. Restore and preserve buildings of historic character and significance.
3. Provide more conveniently located parking in the downtown retail area.
4. Assemble parcels into larger sites capable of accommodating: (1) major retailers in a shopping center complex located in the downtown area; (2) an entertainment center complex also located adjacent to the downtown; (3) a hotel/convention center; and a multi-modal transit facility.
5. Provide new streetscape and signing in the downtown to improve its image in order to attract more retail shoppers to the area.
6. Provide new infrastructure in the Central Business District to replace aging and substandard infrastructure.
7. Provide improvements to the traffic circulation system following a review by traffic engineers.
8. Provide other improvements necessary to revitalize the Central Business District and assist in carrying out the Main Street Program objectives.
9. Provide a County Civic Center area by assisting in the consolidation of branch office services into a centralized County center.
10. Eliminate patterns of land use which are incompatible and maintain balanced land uses throughout the Project Area.

11. Provide initial infrastructure for initial industrial development in the Enterprise Zone and acquire one or more sites in order to attract new industries to the area.

12. Expand existing employment base and create new employment opportunities which will reduce the City’s high rate of unemployment and underemployment.

13. Replan portions of the Project Area which are characterized by economically stagnant and improperly and under-utilized properties.

14. Rehabilitate or remove dilapidated and obsolete buildings which negatively influence new development potential in the vicinity.

15. Provide adequate housing at affordable rates for senior citizens and low and moderate income persons and families.

16. Promote seismic safety measures.

1.6 EXISTING SETTING

(Briefly describe the Project site’s existing land uses and features.)

Existing development in the Deletion Area consists of two industrial facilities. When the Redevelopment Plan was originally adopted, the assessed value of the property was substantial and represented a large percentage of the base year value for the Existing Project Area as a whole. The assessed values were primarily attributable to the quantity and quality of the equipment within the facilities. The tenants and equipment that occupied the facilities have since relocated, and though each of the facilities has been re-occupied, their assessed property values are now significantly lower. In fact, one of the facilities is currently used for warehousing and thus carries a minimal unsecured property value.

Existing land uses in the Remaining Project Area are varied, and include residential, commercial, office, industrial, and public development. Vacant properties are also present. No properties within the Deletion Area are used for agricultural purposes, though a portion of the Amended Project Area, south of SR-190, continues to be
farmed. The property is relatively flat with an elevation of about 430 feet above mean sea level.

In total, over 80% of the Existing Project Area is urbanized, as defined by the CRL.

Existing land uses in the Existing Project Area, Detachment Area and Amended Project Area are shown in Table 1, below.

### Table 1
**EXISTING LAND USE**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Existing Project Area</th>
<th>Detachment Area</th>
<th>Amended Project Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential*</td>
<td>20.3</td>
<td>0.0</td>
<td>20.3</td>
</tr>
<tr>
<td>Office</td>
<td>37.2</td>
<td>0.0</td>
<td>37.2</td>
</tr>
<tr>
<td>Commercial</td>
<td>53.2</td>
<td>0.0</td>
<td>53.2</td>
</tr>
<tr>
<td>Public Parking</td>
<td>6.0</td>
<td>0.0</td>
<td>6.0</td>
</tr>
<tr>
<td>Public Office &amp; Services</td>
<td>8.2</td>
<td>0.0</td>
<td>8.2</td>
</tr>
<tr>
<td>Public Historical</td>
<td>0.9</td>
<td>0.0</td>
<td>0.9</td>
</tr>
<tr>
<td>Churches</td>
<td>3.1</td>
<td>0.0</td>
<td>3.1</td>
</tr>
<tr>
<td>Vacant (developed)</td>
<td>4.2</td>
<td>0.0</td>
<td>4.2</td>
</tr>
<tr>
<td>Vacant (undeveloped)**</td>
<td>159.6</td>
<td>0.0</td>
<td>159.6</td>
</tr>
<tr>
<td>Industrial</td>
<td>69.1</td>
<td>20.9</td>
<td>48.2</td>
</tr>
<tr>
<td>Streets</td>
<td>108.2</td>
<td>5.4</td>
<td>102.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>471.0</strong></td>
<td><strong>26.3</strong></td>
<td><strong>444.7</strong></td>
</tr>
</tbody>
</table>

* Includes nearly five acres in public housing adjacent to the Santa Fe branch line railroad in the northeastern part of the Project Area.

** Does not include the basic 100’ width of railroad rights-of-way or the area in the Tule River open space corridor.

Source: M.R. Farrell & Associates, Report to City Council of the City of Porterville 1990 on the Proposed Porterville Redevelopment Project No. 1

Conditions of remaining physical blight in the Amended Project Area were observed and documented in November 2003, by GRC Redevelopment Consultants. Such conditions include:

- Structural deterioration
- Commercial and industrial obsolescence
- Defective design and/or layout of commercial and industrial properties
- Parcels of inadequate size and/or shape for contemporary commercial and industrial use
• Likely presence of asbestos, lead-based paint, and contaminated soils
• Residential overcrowding

These observations are consistent with findings of physical blight documented in the Report to City Council prepared for the Redevelopment Plan when it was originally adopted in 1990.

Topographic Setting

The City of Porterville, including the Deletion Area and Amended Project Area, is located on the Tule alluvial plain, and lays along the seismic microzone boundary separating the seismic conditions of the San Joaquin Valley from those of the Sierra Foothills to the east. The underlying soil is generally Tujunga Sand and San Emigido Loam, with the Sand following an irregular rippled pattern through the Loam. Tujunga Sand is considered to be well suited to urban development, with rapid permeability, low available water holding capacity, slow surface run-off and a slight hazard of erosion. The San Emigido Loam is classified as Class I agricultural soil.

The process of urbanization has greatly modified any natural vegetation or wildlife system that may have existed within the Deletion Area and Amended Project Area. Virtually all of the vegetation presently growing therein consists of plants, trees, and other foliage that has been introduced as landscaping or agriculture. No significant species of wildlife are known to exist within the Deletion Area. Habitat for the Valley Elderberry Longhorn Beetle (VELB) has been identified along the Tule River corridor within the Amended Project Area. Redevelopment activities will comply with the 1999 VELB mitigation guidelines or negotiated conditions pursuant to habitat conservation plans which are currently being drafted.

1.7 GENERAL PLAN DESIGNATION

Each of the parcels in the Deletion Area lies within the Industrial land use designation of the Porterville General Plan Land Use Policy Diagram.

General Plan land use designations within the Amended Project Area include Low Density Residential, Medium Density Residential, General Commercial, Heavy
Commercial, Industrial, Professional and Office, and Recreation and Open Space.

1.8 SURROUNDING LAND USES

The light industrial development within the Deletion Area is surrounded by similar light industrial land uses or vacant land to the north, east, and west. The Poplar Avenue right-of-way abuts the southerly boundary of the Deletion Area, with SR-190 and additional light industrial development beyond. The Deletion Area is surrounded by the Amended Project Area on the north, south, and east.

Given the size and irregular configuration of the Amended Project Area, it is not surprising that a wide variety of land uses abut its boundaries. Such land uses are typical of urban development and generally similar in scope and scale to land uses within the Amended Project Area. Residential neighborhoods consisting of various types of single- and multi-family housing configurations are located to the north, east, and west, generally north of Date Avenue; commercial and office development are located on Main Street, north of Morton Avenue, and, to a lesser degree, along Morton Avenue; light industrial and warehousing is generally located to the east, west, and south, south of the Tule River; ancillary development, including schools, churches, and Porterville College, are located throughout. Land uses to the extreme south of the Amended Project Area are generally typical of low-density rural development.

1.9 LIST AND DESCRIBE ANY OTHER RELATED PERMITS AND OTHER PUBLIC APPROVALS REQUIRED FOR THIS PROJECT, INCLUDING THOSE REQUIRED BY CITY, REGIONAL, STATE, AND FEDERAL AGENCIES

None. In accordance with State law, adoption of the proposed Amendment will be by Ordinance of the governing body, which, in this case, is the City Council of the City of Porterville. No other permits are required to amend an existing redevelopment plan.1

1 In the environmental review process, the State Clearinghouse in the Governor's Office of Planning and Research ensures that responsible and trustee agencies reply to an Initial Study in the required time. This Initial Study is being circulated to the State Clearinghouse because the State Department of Finance has legal standing if there should be any legal challenges to the Amendment.
2.0 ENVIRONMENTAL IMPACTS

The environmental factors checked below include at least one impact that is considered “Potential Significant,” as discussed in Section 5.0 of this Initial Study.

☐ Aesthetics  ☐ Agricultural Resources  ☐ Air Quality
☐ Biological Resources  ☐ Cultural Resources  ☐ Geology/Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology/Water Quality  ☐ Land Use/Planning
☐ Mineral Resources  ☐ Noise  ☐ Population/Housing
☐ Public Services  ☐ Recreation  ☐ Transportation/Traffic
☐ Utilities/Service Systems  ☐ Mandatory Findings of Significance

Pursuant to these findings and the requirements of the CRL and CEQA Guidelines, a Negative Declaration has been prepared for the Project.
This page intentionally left blank
3.0 DETERMINATION

On the basis of this initial evaluation:

☑️ I find the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures on an attached sheet have been added to the Project. A NEGATIVE DECLARATION will be prepared.

☐ I find the proposed Project MAY have a significant effect on the environment, and a program ENVIRONMENTAL IMPACT REPORT is required.

Bradley D. Duhalp AICP  
Community Development Director  
Telephone: (559) 782-7460

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Ernest W. Glover, President  
GRC Redevelopment Consultants, Inc.  
Telephone: (714) 234-1122

Date 2/23/04

Date 2/29/04
4.0 CRITERIA FOR THE EVALUATION OF ENVIRONMENTAL IMPACTS

An Environmental Checklist Form (the "Form") has been used to evaluate the potential environmental impacts associated with the proposed Project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Porterville, in complying with the requirements of the Statutes and Guidelines for implementing CEQA. In the Form, environmental effects are evaluated as follows:

1. A brief explanation is required for all answers except No Impact answers that are adequately supported by the information sources a lead agency cites in its response. A No Impact answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A No Impact answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is Potentially Significant, Less Than Significant With Mitigation, or Less Than Significant. Potentially Significant Impact is appropriate if there is substantial evidence that an effect may be significant. If
there are one or more Potentially Significant Impact entries when the determination is made, an EIR is required.

4. Negative Declaration: Less Than Significant With Mitigation Incorporated applies where the incorporation of mitigation measures has reduced an effect from Potentially Significant Impact to a Less Than Significant Impact. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from an Earlier Analyses, as described in #5 below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA processes, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

   (a) Earlier Analysis Used. Identify and state where they are available for review.

   (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   (c) Mitigation Measures. For effects that are Less than Significant with Mitigation Measures Incorporated, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances).

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:

   (a) The significance criteria or threshold, if any, used to evaluate each question.

   (b) The mitigation measure identified, if any, to reduce the impact to less than significance.
5.0 ANALYSES AND DISCUSSION OF ENVIRONMENTAL IMPACTS

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>AESTHETICS. Would the Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

**Explanation: No Impact.** A project will normally have a significant effect on the environment if it will impact a scenic vista, damage scenic resources, degrade the visual quality or character of a site, or generate inappropriate levels light and glare. For the following reasons, the proposed Project will have no significant impact in this regard.

The proposed Project will technically amend a previously adopted Redevelopment Plan, and will only affect the boundaries of the Existing Project Area and the Agency's time limits for certain redevelopment activities. The proposed Project will not change land use patterns in the Deletion Area, Amended Project Area, or General Plan Land Use Policy Map. No other changes to the Redevelopment Plan are being considered at this time.

The proposed Project will facilitate the continued implementation of the Redevelopment Plan, the primary goal of which is to eliminate conditions of blight from within the Existing Project Area, and is thus expected to have a demonstrably positive aesthetic effect on the Existing Project Area.
Future development and redevelopment in the Amended Project Area will be subject to the City's design review processes and accepted planning policies that are already in place. Such review will reduce or eliminate any potential for adverse visual impacts, the obstruction of scenic views and vistas, or the creation of nuisance light and glare. Consequently, no significant adverse impacts from the Project relative to the above-defined aesthetics factors are expected to occur.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the Project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California resources Agency, to non-agricultural use?  
   - No Impact

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?  
   - No Impact

c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  
   - No Impact

Explanation: No Impact. A project will normally have a significant effect on the environment if it will result in the conversion of prime farmland to a non-agricultural use, or conflict with agricultural zone designations. For the following reasons, the proposed Project has no significant impact in this regard.

The proposed Project will technically amend a previously adopted Redevelopment Plan, and will only affect the boundaries of the Existing Project Area and the Agency's time limits for certain redevelopment activities. The proposed Project will not change land use patterns in the Deletion Area, Amended Project Area, or General Plan Land Use Policy Map. No other changes to the Redevelopment Plan are being considered at this time.

No lands within the Deletion Area are currently being used for agricultural purposes. Small farming operations are present within a portion of the Amended Project Area, though none are under Williamson Act contract. While the City designates portions of the City for agricultural development, no such designations fall within the Deletion Area or Amended Project Area. For those properties, the City's design review processes and accepted planning policies that are already in place will reduce or eliminate any potential for the loss or prime agricultural lands. Consequently, no
significant adverse impacts from the Project relative to the above-defined agricultural resource factors are expected to occur.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant Mitigation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

III. AIR QUALITY. Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the Project:

a. Conflict with or obstruct implementation of the applicable air quality plan?

b. Violate any air quality standard or contribute substantially to an existing or Projected air quality violation?

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

d. Expose sensitive receptors to substantial pollutant concentrations?

e. Create objectionable odors affecting a substantial number of people?

Explanations: No Impact. A project will normally have a significant effect on the environment if it will violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial concentrations of pollutants. For the following reasons, the proposed Project will have no significant impact in this regard.

The proposed Project will technically amend a previously adopted Redevelopment Plan, and will only affect the boundaries of the Existing Project Area and the Agency’s time limits for certain redevelopment activities. The proposed Project will not change land use patterns in the Deletion Area, Amended Project Area, or General Plan Land Use Policy Map. No other changes to the Redevelopment Plan are being considered at this time.
IV. BIOLOGICAL RESOURCES. Would the Project:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? □ ☐ ☐ ☑

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? □ ☐ ☐ ☑

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? □ ☐ ☐ ☑

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? □ ☐ ☐ ☑

- Conflict with any local policies or ordinance protecting biological resources, such as a tree preservation policy or ordinance? □ ☐ ☐ ☑

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? □ ☐ ☐ ☑

**Explanation: No Impact.** A project will normally have a significant effect on the environment if it will substantially affect a rare or endangered species of animal or plant, or the habitat of a species; interfere substantially with the movement of any resident or migratory fish or wildlife species; or substantially diminish the habitat of fish, wildlife or plants. For the following reasons, the proposed Project will have no significant effect in this regard.

With the exception of the Tule River, the Deletion Area and Amended Project Area are highly urbanized areas and consist primarily of buildings, pavement, and various non-native landscape materials. Most of the native vegetation that once existed elsewhere in the Amended Project Area has long since been replaced by urban development or small farming operations. According to the Final EIR prepared for the Existing Plan, remnants of native vegetation within the Existing Project Area include riparian vegetation (willow, cotton, sycamore, and various grass and bamboo) along the banks of the Tule River, and a few scattered Valley Oaks (Quercus lobata). This vegetation serves as the habitat for local populations of birds, rodents, and certain small animals.
Four plant species in the greater Porterville region have also been designated by the State Department of Fish and Game as Requiring Special Protection (Striped Adobe Lily: Fritillaria striata), Requiring Special Protection (Tulare Pseudobahia: Pseudobahia piersonii), Rare and Endangered (Calico Monkey Flower (Mimulus pictus), or Presumed to be Extinct (Keck's Checkermallow (Sideica keckii). None of these plant species, however, is located in the Deletion Area.

The earlier Final EIR also reported that the only Rare or Endangered animal which might frequent agricultural and riparian parts of the Existing Project Area is the San Joaquin Kit Fox. The Kit Fox forages throughout the agricultural and foothill areas that are south, southeast, and southwest of the community. The Southern Bald Eagle sometimes strays from its primary range in the Lake Success sub-region to the east and occasionally flies along the Tule River through the Existing Project Area. The Great Blue Heron is a species of special concern in the area because a rookery exists on the Tule River approximately 1-1/2 miles east of the Existing Project Area, and Herons are known to frequent riparian areas along the River and agricultural lands for roosting and feeding. The VELB and its habitat were identified after the earlier Final EIR was completed.

Encroachment of future development into the River is prohibited by the City’s General Plan. The River’s designation as a flood plain by the Federal Emergency Management Administration also precludes future development from taking place therein. Since the proposed Project is administrative in nature and will not expand the boundaries of the Existing Project Area, no impacts to biological resources are expected as a result of its approval and adoption.

<table>
<thead>
<tr>
<th>V. CULTURAL RESOURCES. Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Explanation: No Impact. A project will normally have a significant effect on the environment if it will disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study. For the following reasons, the proposed Project will have no significant effect in this regard.

The greater Porterville area lays within the territory of the Koyote Indians, and is
considered to be a relatively sensitive archaeological region, primarily because of prehistoric activity and settlements along sections of the Tule River. Consequently, any site on or close to the River has a strong possibility of yielding Indian artifacts or evidence of prior settlement. The main village of the Koyote was located approximately one mile east/northeast of the Existing Project Area. However, no archaeological sites are known to exist within the Deletion Area or Existing Project Area. Future development within the Amended Project Area will be subject to existing City policies regarding suspected archaeological sites.

According to the Final EIR for the Plan, the City has completed its Historical Resources Inventory, an extensive inventory of sites and structures within and around the Central Business District that are of historical significance. Future construction within the area encompassed by the Inventory shall be subject to the City’s historical/environmental clearance procedures already in effect, in addition to other policies of the State Historical Preservation Office and appropriate federal agencies.

Encroachment of future development into the River is prohibited by the City’s General Plan. The River’s designation as a flood plain by the Federal Emergency Management Administration also precludes future development from taking place therein. The proposed Project is administrative in nature and will not expand the boundaries of the Existing Project Area. Nor will the proposed Project affect the City’s General Plan or Municipal Code regarding suspected archaeological or historical sites. Therefore, no impacts to archaeological or cultural resources are expected as a result of the approval and adoption of the proposed Project.

<table>
<thead>
<tr>
<th>VI. GEOLOGY AND SOILS. Would the Project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
</tr>
<tr>
<td>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
</tr>
<tr>
<td>ii. Strong seismic ground shaking?</td>
</tr>
<tr>
<td>iii. Seismic-related ground failure, including liquefaction?</td>
</tr>
<tr>
<td>iv. Landslides?</td>
</tr>
<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ☑

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ☑

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? ☑

**Explanation: No Impact.** A project will normally have a significant effect on the environment if it will expose people or structures to major geologic hazards. For the following reasons, the proposed Project will have no significant effect in this regard.

The City of Porterville, including the Deletion Area and Amended Project Area, are located on the Tule alluvial plain, which lays along the seismic microzone boundary separating the seismic conditions of the San Joaquin Valley from those of the Sierra Foothills to the east. Although there are no known active faults in Tulare County, the City lays close to the half-way point between the San Andreas and Owens Valley faults, which are located about 70 miles to the west and east, respectively.

Future construction within the Deletion Area and Amended Project Area will involve disruption and compaction of affected soils and increased overcovering of soils. Temporary increases in water and wind erosion of soils may occur during site preparation and construction activities. Compliance with existing City codes and ordinances relative to soil wetting and erosion control during grading will reduce potential impacts to acceptable levels. In addition, conformance to the Uniform Building Code and/or California Building Code will reduce potential impacts relative to unstable soils to an acceptable level of risk. Therefore, the potential of the Project to cause adverse impacts relative to the above-defined geology and soils factors is considered less than significant, and no mitigation is required.

The proposed Project will technically amend a previously adopted Redevelopment Plan, and will only affect the boundaries of the Existing Project Area and the Agency's time limits for certain redevelopment activities. The proposed Project will not change land use patterns in the Deletion Area, Amended Project Area, or General Plan Land Use Policy Map. No other changes to the Redevelopment Plan are being considered at this time. Thus, the proposed Project will not result in any impacts relative to geology and soils.
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the Project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? □ □ ✔ □

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? □ □ ✔ □

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? □ □ ✔ □

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? □ □ ✔ □

e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area? □ □ ✔ □

f. For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area? □ □ ✔ □

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? □ □ ✔ □

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? □ □ ✔ □

Explanation: No Impact. A project will normally have a significant effect on the environment if it will create a potential public health hazard or involve the use, production, or disposal of materials that pose a hazard to people, animal, or plant populations in the area affected. For the following reasons, the propose Project will have no significant impact in this regard.

The proposed Project will technically amend a previously adopted Redevelopment Plan, and will only affect the boundaries of the Existing Project Area and the Agency’s time limits for certain redevelopment activities. The proposed Project will not change land use patterns in the Deletion Area, Amended Project Area, or General Plan Land Use Policy Map. No other changes to the Redevelopment Plan are being considered at
this time. Thus, the proposed Project will not result in any impacts relative to geology and soils.

The boundaries of the Deletion Area and Amended Project Area encompass many older commercial and industrial buildings, some of which are likely to use or store hazardous materials and waste. Asbestos and lead-based paints are also likely to be found in older buildings in the Amended Project Area. These conditions contribute to physical blight that remains in the Amended Project Area.

Any new or significantly rehabilitated industrial use to locate in the City, including the Amended Project Area, would be subject to individual review by the City's Planning Department. New industrial uses also would be subject to federal and state regulations and Fire Department ordinances that regulate the transport, manufacture, use and disposal of hazardous materials. In addition, redevelopment funds may be available to assist with the clean up of existing hazardous conditions, including asbestos and lead paint removal. These regulations and ordinances and the possible availability of redevelopment funds for clean-up are expected to reduce potential adverse impacts relative to hazardous materials in the Amended Project Area to less than significant levels. Therefore, the potential for any adverse impacts on the environment due to hazards and hazardous materials is less than significant, and no mitigation is required.

Neither the Deletion Area nor Amended Project Area is located within an airport land use plan area or within the vicinity of an airstrip. Therefore, there is no potential for any impact on the environment due to proximity to an airport land use plan area or airstrip. Future development and redevelopment activities in both the Deletion Area and Amended Project Area will be subject to City public safety requirements, including adopted emergency response and evacuation plans, consequently no impacts to these plans are expected.

The Deletion Area and Amended Project Area are not subject to wildland fires; therefore there is no potential for the Project to expose people or structures to risks associated with wildland fires.

VIII. HYDROLOGY AND WATER QUALITY. Would the Project:

a. Violate any water quality standards or waste discharge requirements? □ □ □ □

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? □ □ □ □
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  

   [ ] [ ] [ ] [x]


d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?  

   [ ] [ ] [ ] [x]


e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  

   [ ] [ ] [ ] [x]


f. Otherwise substantially degrade water quality?  

   [ ] [ ] [ ] [x]


g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  

   [ ] [ ] [ ] [x]


h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?  

   [ ] [ ] [ ] [x]


i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  

   [ ] [ ] [ ] [x]


j. Inundation by seiche, tsunami, or mudflow?  

   [ ] [ ] [ ] [x]


Explanations: No Impact. A project will normally have a significant effect on the environment if it will substantially degrade water quality; contaminate a public water supply; substantially degrade or deplete ground water resources; interfere substantially with ground water recharge; or cause substantial flooding, erosion or siltation. For the following reasons, the proposed Project will have no significant impact in this regard.

The proposed Project will technically amend a previously adopted Redevelopment Plan, and will only affect the boundaries of the Existing Project Area and the Agency's time limits for certain redevelopment activities. The proposed Project will not change land use patterns in the Deletion Area, Amended Project Area, or General Plan Land Use Policy Map. No other changes to the Redevelopment Plan are being considered at this time. Thus, the proposed Project will not result in any impacts relative to hydrology and water quality.

Continued implementation of the Redevelopment Plan will encourage further development and redevelopment in the Amended Project Area. Increased development will, in turn, affect the amount of surface water discharge. However, public service infrastructure improvements that may be implemented through the Redevelopment Plan include the development of drainage and flood control facilities. All public improvements and private development projects associated with the Redevelopment Plan will be accomplished in accordance with General Plan policies and standards. These improvements would provide protection from potential flooding
hazards. These improvements also will be required to comply with the National Pollutant Discharge Elimination System (NPDES) program. Under the NPDES Stormwater Permit, all development and significant redevelopment are obligated to restrict non-point source pollutants from discharging into groundwater to the maximum extent practicable. All redevelopment activities in the Amended Project Area will be subject to NPDES requirements. Consequently, the proposed Project is not expected to result in increased flooding hazards, or negative impacts to surface discharge, water movement or groundwater.

<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING. Would the Project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
</tr>
<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
</tr>
<tr>
<td>c. Be incompatible with existing land use in the vicinity?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✔</td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✔</td>
</tr>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>✔</td>
</tr>
</tbody>
</table>

**Explanation:** No Impact. A project will normally have a significant effect on the environment if it will conflict with adopted environmental plans and goals of the community where it is located. For the following reasons, the Project will have no impact in this regard.

The proposed Project does not include any specific development proposals; it merely contains administrative and financial amendments to the existing Redevelopment Plan that will allow its continued implementation by the Agency in the same manner in which it is currently being implemented. It is the Agency's intent to use the Redevelopment Plan to continue facilitating the elimination of blight from the Project Area and to encourage the development of currently underutilized land in accordance with the General Plan, Strategic Plan, Zoning Ordinance, Municipal Code, and other City plans and policies. All future development in the Amended Project Area will continue to be subject to the review and approval processes of the City. Although the Redevelopment Plan will not alter the extent or type of development now planned for the area, it may increase the rate at which such development occurs. Resultant impacts will be no greater than those anticipated in the environmental documentation for the City's General Plan.

Furthermore, a redevelopment plan is not a land use proposal. Rather, it is an enabling tool to be used for the purpose of eliminating blight and encouraging the rehabilitation of currently underutilized land. The pattern of land use in the Amended Project Area is not expected to change significantly because it is already predominantly urbanized.
X. MINERAL RESOURCES. Would the Project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

**Explanation:** *No Impact.* A project will normally have a significant effect on the environment if it will encourage activities that result in the use of large amounts of mineral resources in a wasteful manner. For the following reasons, the proposed project will have no impact in this regard.

No known mineral resources have been identified in the Deletion Area or Amended Project Area. The land in the Deletion Area and Amended Project Area is designated by the General Plan for a mix of urban uses. All activities accomplished pursuant to the Redevelopment Plan will be consistent with the General Plan. Consequently, the proposed Project will not cause any direct or indirect impact to known mineral resources or locally important mineral resource recovery site delineated on a local plan.

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

XI. NOISE. Would the Project result in:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
f. For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels? ☑

Explanation: No Impact. A project will normally have a significant effect on the environment if it violates noise standards, substantially worsens an already excessive noise environment, or substantially increases noise in a quiet environment even if noise standards are not violated by the proposed action. For the following reasons, the proposed Project will have no impact in this regard.

The proposed Project does not include any specific development proposals; it merely contains administrative and financial amendments to the existing Redevelopment Plan that will allow its continued implementation by the Agency in the same manner in which it is currently being implemented. It is the Agency's intent to use the Redevelopment Plan to continue facilitating the elimination of blight from the Project Area and to encourage the development of currently underutilized land in accordance with the General Plan, Strategic Plan, Zoning Ordinance, Municipal Code, and other City plans and policies. All future development in the Amended Project Area will continue to be subject to the review and approval processes of the City. Although the Redevelopment Plan will not alter the extent or type of development now planned for the area, it may increase the rate at which such development occurs. Resultant impacts will be no greater than those anticipated in the environmental documentation for the City's General Plan.

As noted above, the Amended Project Area is outside the noise impact area of an airport or airfield. No impacts relative to aircraft noise are expected to result from the Project.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

XII. POPULATION AND HOUSING. Would the Project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ☑

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ☑

c. Displace substantial number of people, necessitating the construction of replacement housing elsewhere? ☑

Explanation: No Impact. A project will normally have a significant effect on the environment if it will induce substantial growth or concentration of population, or displace a large number of people. For the following reasons, the proposed Project will have significant impact in this regard.

As discussed above, the proposed Project does not include any specific development proposals, nor will it alter official regional or local population projections. If approved and adopted, the Redevelopment Plan will continue to support development that is
consistent with existing planning and environmental plans and policies.

The continued implementation of the Redevelopment Plan may result in a broad range of public service infrastructure improvements intended to support private development in the Amended Project Area. These improvements are intended to induce growth and expedite the conversion of underutilized land to urban uses consistent with the General Plan and applicable Strategic Plans.

Finally, blighted portions of the Amended Project Area may include aging, poorly-maintained dwelling units that offer affordable housing options to some Porterville residents. Policies of the existing Redevelopment Plan will mitigate potential impacts to the housing stock therein. These policies include a method for relocation activities for any displaced residents or businesses, and a low- and moderate-income housing fund to provide replacements, new and renovated homes. These existing policies will not be affected by the proposed Project.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

XIII. PUBLIC SERVICES. Would the Project:

a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection? ☐ ☐ ☑ ☐
- Police protection? ☐ ☐ ☑ ☐
- Schools? ☐ ☐ ☑ ☐
- Parks? ☐ ☐ ☑ ☐
- Other public facilities? ☐ ☐ ☑ ☐

Explanation:

- Police and Fire Protection

Less Than Significant Impact. A project will normally have a significant impact on the environment if it will substantially reduce the current or planned ability of the local police and fire departments to serve a given area. For the following reasons, the proposed Project will have no significant impact in this regard.

Continued implementation of the Redevelopment Plan may result in future
development and redevelopment in the Amended Project Area which, in turn, could increase population levels therein and thus the need for increased demand on police and fire protection services. However, based on both historical and present response needs, the level of service provided in the Amended Project Area is considered to be adequate, and it is anticipated that current levels of personnel and equipment will continue to provide an adequate level of protection therein.

Approval and adoption of the proposed Project will not result in the need to increase the response capabilities of existing fire and police facilities. This is generally due to the fact that the land uses and intensities of development within the Amended Project Area will be consistent with the General Plan. The list of public improvements contained in the Redevelopment Plan includes improvements to the local circulation system which would support emergency response efforts. Approval and adoption of the proposed Project will not affect this listing.

- Schools

*Less Than Significant Impact.* A project will normally have a significant effect on the environment if it will substantially increase the need for new school services beyond existing and planned capacities. For the following reasons, the proposed Project will have no significant impact in this regard.

Schools serving the Amended Project Area are generally operating near, at, or above design capacities. Due to high levels of enrollment, any increase in the number of students attending District schools may necessitate additional classrooms in order to maintain an adequate level of service. Continued implementation of the Redevelopment Plan may contribute to the future implication of school facilities because it is intended to facilitate development and redevelopment in the Amended Project Area. However, these potential impacts, when considered in conjunction with the land uses permitted by the General Plan, are not considered to be significant. Affected school districts contribute a portion of property taxes they receive to the Agency to finance redevelopment activities. The State reimburses the districts' contribution through a practice generally referred to as "back-filling." Thus, financial impacts to the affected school districts are considered to be less than significant.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>✔️</td>
</tr>
</tbody>
</table>

**XIV. RECREATION.**

a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
   - No

b. Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
   - No

---

*Draft Initial Study and Negative Declaration*
Explanation: No Impact. A project will normally have a significant effect on the environment if it will substantially increase the need for park services beyond existing and planned capacities. For the following reasons, the proposed Project will have no impact in this regard.

The proposed Project does not include any specific development proposals; it merely contains administrative and financial amendments to the existing Redevelopment Plan that will allow its continued implementation by the Agency in the same manner in which it is currently being implemented. It is the Agency’s intent to use the Redevelopment Plan to continue facilitating the elimination of blight from the Project Area and to encourage the development of currently underutilized land in accordance with the General Plan, Strategic Plan, Zoning Ordinance, Municipal Code, and other City plans and policies. All future development in the Amended Project Area will continue to be subject to the review and approval processes of the City. Although the Redevelopment Plan will not alter the extent or type of development now planned for the area, it may increase the rate at which such development occurs. Resultant impacts will be no greater than those anticipated in the environmental documentation for the City’s General Plan. Thus, public recreational facilities will not be affected by implementation of the proposed Project.

XV. TRANSPORTATION/TRAFFIC. Would the Project:

a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e. Result in inadequate emergency access?

f. Result in inadequate parking capacity?

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
**Explanation:** *No Impact.* A project will normally have a significant effect on the environment if it will cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. For the following reasons, the proposed Project will have no impact in this regard.

The proposed Project does not include any specific development proposals; it merely contains administrative and financial amendments to the existing Redevelopment Plan that will allow its continued implementation by the Agency in the same manner in which it is currently being implemented. It is the Agency’s intent to use the Redevelopment Plan to continue facilitating the elimination of blight from the Project Area and to encourage the development of currently underutilized land in accordance with the General Plan, Strategic Plan, Zoning Ordinance, Municipal Code, and other City plans and policies. All future development in the Amended Project Area will continue to be subject to the review and approval processes of the City. Although the Redevelopment Plan will not alter the extent or type of development now planned for the area, it may increase the rate at which such development occurs. Resultant impacts will be no greater than those anticipated in the environmental documentation for the City’s General Plan.

Continued implementation of the Redevelopment Plan may expedite the pace of development and redevelopment in the Amended Project Area. This will, in turn, increase traffic generation. Road and circulation system improvements identified in the General Plan and Redevelopment Plan are expected to mitigate increased traffic generation in the Amended Project Area. Short-term impacts to the local circulation system may occur while public improvements and other development take place over the remaining life of the Redevelopment Plan.

The Redevelopment Plan will continue to support recommended General Plan improvements by retaining various street improvement projects within its list of approved infrastructure improvements. When completed, these improvements are expected to enhance local traffic flow and circulation.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☑</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>
d. Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed? □ □ ● □

e. Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments? □ □ ● □

f. Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs? □ □ ● □

g. Comply with federal, state, and local statutes and regulations related to solid waste? □ □ ● □

Explanation: Less Than Significant Impact. A project will normally have a significant effect on the environment if it will substantially increase demand for utilities and service systems beyond existing and planned capacities. For the following reasons, the proposed Project will have a less than significant impact in this regard.

The proposed Project does not include any specific development proposals; it merely contains administrative and financial amendments to the existing Redevelopment Plan that will allow its continued implementation by the Agency in the same manner in which it is currently being implemented. It is the Agency's intent to use the Redevelopment Plan to continue facilitating the elimination of blight from the Project Area and to encourage the development of currently underutilized land in accordance with the General Plan, Strategic Plan, Zoning Ordinance, Municipal Code, and other City plans and policies. All future development in the Amended Project Area will continue to be subject to the review and approval processes of the City. Although the Redevelopment Plan will not alter the extent or type of development now planned for the area, it may increase the rate at which such development occurs. Resultant impacts will be no greater than those anticipated in the environmental documentation for the City's General Plan.

Continued implementation of the Redevelopment Plan may result in redevelopment activities that, in turn, could require some modifications to existing natural gas distribution facilities, communication facilities, water treatment facilities, and solid waste management facilities. Demand for such services could be increased by new development. However, development projections in the Amended Project Area are consistent with the General Plan and continued implementation of the Redevelopment Plan will generate future tax increment revenues that are expected to offset the need for new or substantially altered utility systems or services.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>b. Does the Project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>c. Does the Project have environmental effects which will cause substantial adverse effects to human beings, either directly or indirectly?</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Explanation: No Impact.** The proposed Project does not include any specific development proposals; it merely contains administrative and financial amendments to the existing Redevelopment Plan that will allow its continued implementation by the Agency in the same manner in which it is currently being implemented. It is the Agency’s intent to use the Redevelopment Plan to continue facilitating the elimination of blight from the Project Area and to encourage the development of currently underutilized land in accordance with the General Plan, Strategic Plan, Zoning Ordinance, Municipal Code, and other City plans and policies. All future development in the Amended Project Area will continue to be subject to the review and approval processes of the City. Although the Redevelopment Plan will not alter the extent or type of development now planned for the area, it may increase the rate at which such development occurs. Resultant impacts will be no greater than those anticipated in the environmental documentation for the City’s General Plan.
6.0 SOURCES CITED IN THE EVALUATION OF ENVIRONMENTAL IMPACTS

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide data relevant to the proposed Project. The documents outlined below are hereby incorporated by reference, and the pertinent material is summarized throughout this Initial Study where that information is relevant to the analysis of impacts of the proposed Project. All documents incorporated by reference are available for review at the Porterville Redevelopment Agency, City of Porterville, 291 N. Main Street, Porterville, California 93257. The office hours are Monday through Friday between 8:00 AM and 5:00 PM.

1. City of Porterville General Plan (current).
2. Zoning Code of the City of Porterville (current)
3. CEQA Implementing Procedures, City of Porterville (current)
JOINT PUBLIC HEARING

SUBJECT: REDEVELOPMENT PROJECT NO.1 PLAN AMENDMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On May 4, 2004, at the regular meeting of the City Council and Agency, a resolution was adopted by each governing body consenting to a Joint Public Hearing on Amendment No. 1 (the “Amendment”) to the Redevelopment Plan (the “Plan”) for Redevelopment Project No. 1 (the “Project”). The proposed Amendment will remove six (6) parcels, encompassing an approximate total of 26 acres (the “Detachment Area”) from Redevelopment Project Area No. 1 (the “Existing Project Area”). Upon removal of the proposed Detachment Area from the 471-acre Existing Project Area, approximately 445 acres will remain in the Project (the “Amended Project Area”). The proposed Amendment will also technically amend the Plan to repeal the time limit for incurring debt in the Amended Project Area in accordance with recent changes in State law (Senate Bill 211; Chapter 741 of Statutes 2001).

After the transmittal of the Report to Council from the Redevelopment Agency, the City Council and the Agency must hold a joint public hearing on the proposed Amendment and the approval of the Initial Study and Draft Negative Declaration. Following the joint public hearing, the City Council and Agency will each consider resolutions approving the Initial Study and Draft Negative Declaration. The City Council can then introduce an Ordinance to approve the proposed Amendment.

The Agency, as the Lead Agency for the proposed Amendment, has prepared an Initial Study and Draft Negative Declaration in accordance with the California Environmental Quality Act (“CEQA”), State CEQA Guidelines, and Local CEQA Guidelines. The public review and comment period for the Initial Study and Draft Negative Declaration began on March 26, 2004, and ended on April 26, 2004, during which the Agency received comments from two (2) public agencies: California Department of Transportation, and the San Joaquin Valley Air Pollution Control District. The Agency prepared responses to the commenting public agencies and transmitted said responses on June 4, 2004, pursuant to State of California Public Resources Code Section 21092.5. Comments received from the commenting agencies did not result in any changes to the Initial Study and Draft Negative Declaration, nor did they cause the Initial Study and Draft Negative Declaration to be re-circulated.

D.D.____ Appropriated/Funded ___ C.M.____

Item No. PRA -3
In accordance with CRL Section 33452, all property owners, residents, businesses and taxing agencies in Redevelopment Project Area No. 1 (the “Existing Project Area”) were notified of the Joint Public Hearing and will be given an opportunity to comment on the proposed Amendment and the Negative Declaration (the “Negative Declaration”) prepared in connection therewith. Taxing agencies were notified by certified mail, while property owners, residents and businesses were notified by first class mail. Notification was accomplished at least 30 days prior to the Joint Public Hearing, in accordance with requirements of the CRL.

Lastly, a notice of the Joint Public Hearing was published in the Porterville Recorder, a newspaper of general circulation, once a week for three consecutive weeks beginning the week of May 24, 2004.

RECOMMENDATION: That the Redevelopment Agency and City Council conduct a Joint Public Hearing on the proposed Amendment and take testimony in favor of and/or in opposition to the proposed action. If no objections to the proposed Amendment have been submitted to the City Clerk at, or prior to, the conclusion of the Joint Public Hearing, the Agency/City Council may proceed with the following actions:

That the Redevelopment Agency and the City Council:

1. Adopt the draft resolutions approving the Negative Declaration for Amendment No.1 to the Redevelopment Plan for Redevelopment Project No. 1.

That the City Council:

1. Adopt an ordinance of the Porterville City Council approving and adopting Amendment No.1 to the Redevelopment Plan for Redevelopment Project No.1 as the Official Redevelopment Plan for Said Project.

Attachments: 1. Redevelopment Agency Draft Resolution
2. City Council Draft Resolution
3. Draft Ordinance
RESOLUTION NO. ________

A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY
APPROVING THE NEGATIVE DECLARATION FOR AMENDMENT NO.
1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT
NO 1

WHEREAS, on July 3, 1990, the Porterville City Council (the “City Council”) adopted
Ordinance No. 1436, thereby approving and adopting the Redevelopment Plan (the “Plan”) for
Redevelopment Project No. 1 (the “Project”); and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated
proceedings to adopt Amendment No. 1 (the “Amendment”) to the Plan; and

WHEREAS, the California Community Redevelopment Law (Health and Safety Code
Section 33000 et seq.; the “CRL”) authorizes the adoption of redevelopment plans and
redevelopment plan amendments; and

WHEREAS, the purpose of the proposed Amendment is to delete certain territory from the
boundaries of Redevelopment Project Area No. 1; and

WHEREAS, the Agency has prepared a Negative Declaration (the “Negative Declaration”)
on the proposed Amendment pursuant to the California Environmental Quality Act, Public
Resources Code Sections 21000, et seq. (“CEQA”), and the Guidelines for Implementation of the
California Environmental Quality Act, Title 14, California Code of Regulations, Sections 15000, et
seq. (the “CEQA Guidelines”); and

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

WHEREAS, pursuant to notice duly given, the City Council and the Agency have held a full
and fair public hearing on the proposed Amendment and Negative Declaration; and

WHEREAS, the Agency has independently reviewed and considered the Negative
Declaration for the proposed Amendment and all comments and responses thereto.

NOW, THEREFORE, the Porterville Redevelopment Agency hereby resolves as follows:

SECTION 1: A full and fair public hearing has been held on the Negative Declaration
prepared for the proposed Amendment to the Project. The Agency has considered all comments
received thereon, and responded thereto. These actions having been taken, the Negative Declaration
is hereby approved as the Negative Declaration for the proposed Amendment to the Project and is
incorporated herein by reference.  Attachment No.1
SECTION 2: The Agency hereby finds that the Negative Declaration for the proposed Amendment to the Project has been completed in compliance with CEQA and the CEQA Guidelines, and that the Agency has reviewed and considered the Negative Declaration and the information contained therein prior to deciding whether to approve the proposed Amendment, and finds that the Negative Declaration reflects the independent judgment of the Agency.

SECTION 3: The Agency hereby finds that on the basis of its review of the Initial Study, the Negative Declaration, and the comments on the Draft Negative Declaration and Initial Study, that there is no substantial evidence in light of the whole record before the Agency that the proposed Amendment may have a significant effect on the environment.

SECTION 4: The Executive Director of the Agency, in cooperation with the City Clerk of the City of Porterville, is hereby authorized and directed to file with the County Clerk of the County of Tulare, a Notice of Determination, pursuant to Title 14 California Code of Regulations Section 15075, if the Negative Declaration is approved.

PASSED, APPROVED AND ADOPTED by the Porterville Redevelopment Agency this 15th day of June, 2004 by the following vote:

__________________________________________
Pedro R. Martinez, Chairperson
Porterville Redevelopment Agency

ATTEST:

John Longley, Secretary
Porterville Redevelopment Agency

By _________________________________
   Georgia Hawley, Deputy
RESOLUTION NO. _______

A RESOLUTION OF THE PORTERVILLE CITY COUNCIL APPROVING THE NEGATIVE DECLARATION FOR AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO 1

WHEREAS, on July 3, 1990, the Porterville City Council (the "City Council") adopted Ordinance No. 1436, thereby approving and adopting the Redevelopment Plan (the "Plan") for Redevelopment Project No. 1 (the "Project"); and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to adopt Amendment No. 1 (the "Amendment") to the Plan; and

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "CRL") authorizes the adoption of redevelopment plans and redevelopment plan amendments; and

WHEREAS, the purpose of the proposed Amendment is to delete certain territory from the boundaries of Redevelopment Project Area No. 1; and

WHEREAS, the Agency has prepared a Negative Declaration (the "Negative Declaration") on the proposed Amendment pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000, et seq. ("CEQA"), and the Guidelines for Implementation of the California Environmental Quality Act, Title 14, California Code of Regulations, Sections 15000, et seq. (the "CEQA Guidelines"); and

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

WHEREAS, pursuant to notice duly given, the City Council and the Agency have held a full and fair public hearing on the proposed Amendment and Negative Declaration; and

WHEREAS, the City Council has independently reviewed and considered the Negative Declaration for the proposed Amendment and all comments and responses thereto.

NOW, THEREFORE, the Porterville City Council hereby resolves as follows:

SECTION 1: A full and fair public hearing has been held on the Negative Declaration prepared for the proposed Amendment to the Project. The City Council has considered all comments received thereon, and responded thereto. These actions having been taken, the Negative Declaration is hereby approved as the Negative Declaration for the proposed Amendment to the Project and is incorporated herein by reference.

SECTION 2: The City Council hereby finds that the Negative Declaration for the proposed Amendment to the Project has been completed in compliance with CEQA and the CEQA Guidelines, and that the City Council has reviewed and considered the Negative Declaration and the information contained therein prior to deciding whether to approve the proposed Amendment, and finds that the Negative Declaration reflects the independent judgment of the City Council.

Attachment No. 2
SECTION 3: The City Council hereby finds that on the basis of its review of the Initial Study, the Negative Declaration, and the comments on the Draft Negative Declaration and Initial Study, that there is no substantial evidence in light of the whole record before the City Council that the proposed Amendment may have a significant effect on the environment.

SECTION 4: The City Clerk of the City of Porterville, in cooperation with the Executive Director of the Agency, is hereby authorized and directed to file with the County Clerk of the County of Tulare, a Notice of Determination, pursuant to Title 14 California Code of Regulations Section 15075, if the Negative Declaration is approved.

PASSED, APPROVED AND ADOPTED by the Porterville City Council this 15th day of June, 2004 by the following vote:

____________________________
Pedro R. Martinez, Mayor
City of Porterville

ATTEST:

John Longley, City Clerk
City of Porterville

By _____________________________
Georgia Hawley, Deputy
ORDINANCE NO.________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING AND ADOPTING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1 AS THE OFFICIAL REDEVELOPMENT PLAN FOR SAID PROJECT

WHEREAS, on July 3, 1990, the Porterville City Council (the “City Council”) adopted Ordinance No. 1436, thereby approving and adopting the Redevelopment Plan (the “Plan”) for Redevelopment Project No. 1 (the “Project”); and

WHEREAS, the Porterville Redevelopment Agency (the "Agency") has initiated proceedings to adopt Amendment No. 1 (the “Amendment”) to the Plan; and

WHEREAS, the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the “CRL”) authorizes the adoption of redevelopment plans and redevelopment plan amendments; and

WHEREAS, the purposes of the proposed Amendment are to delete certain territory from the boundaries of Redevelopment Project Area No. 1 and to eliminate the time limit on the establishment of loans, advances and indebtedness as it applies to the Plan for the Project; and

WHEREAS, the Redevelopment Plan for Redevelopment Project No. 1 authorizes the collection of tax increment as provided for in CRL Section 33670; and

WHEREAS, CRL Section 33333.6(e)(2) states in pertinent part that, “On or after January 1, 2002, a redevelopment plan may be amended by a legislative body by adoption of an ordinance to eliminate the time limit on the establishment of loans, advances, and indebtedness required by this section prior to January 1, 2002. In adopting this ordinance, neither the legislative body nor the agency is required to comply with [CRL] Section 3354.6 or Article 12 (commencing with Section 33450) or any other provision of this part relating to the amendment of redevelopment plans, except that the agency shall make the payment to affected taxing agencies required by [CRL] Section 33607.7;” and

WHEREAS, the City Council has received from the Agency the proposed Amendment to the Redevelopment Plan for the Project, a copy of which is on file with the City Clerk at the Office of the City Clerk, 291 N. Main Street, Porterville, California 93257, together with the report of the Agency prepared pursuant to Section 33457.1 of the CRL (the “Report to City Council”), which includes a description and discussion of the proposed Amendment which revises the Redevelopment Plan to delete certain territory, and a discussion of certain other matters as set forth in Section 33352 of the CRL and including the Negative Declaration on the proposed Amendment (the “Negative Declaration”); and

WHEREAS, on May 4, 2004, the City Council adopted Resolution No. 44-2004, thereby certifying that the proposed Amendment conforms to the General Plan of the City of Porterville; and

WHEREAS, the City Council and the Agency held a duly noticed joint public hearing on June 15, 2004, on the adoption of the proposed Amendment and the approval of the Negative Declaration; and
WHEREAS, notice of the joint public hearing was duly and regularly published in a newspaper of general circulation in the City once a week for three (3) successive weeks prior to the date of the joint public hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk of the City of Porterville and Secretary of the Agency; and

WHEREAS, copies of the notice of the joint public hearing were mailed by first class mail to the last known address of each assessee, as shown on the last equalized assessment roll of the County of Tulare, for each parcel of land in Redevelopment Project Area No. 1 (the "Project Area"), and to persons, firms, or corporations which have acquired property within the Project Area from the Agency at the last known address as shown on the Agency’s records; and

WHEREAS, copies of the notice of the joint public hearing were mailed by first-class mail to all residents and businesses in the Project Area at least thirty (30) days prior to the joint public hearing; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each known taxing agency which receives taxes from property in the Project Area; and

WHEREAS, Section 33457.1 of the CRL, provides that to the extent warranted by the proposed Amendment, this Ordinance shall contain the findings required by Section 33367 of the CRL; and

WHEREAS, the City Council has considered the Report to City Council, the proposed Amendment, and the Negative Declaration, and has provided an opportunity for all persons to be heard, and has received and considered all evidence and testimony presented for or against any and all aspects of the proposed Amendment and has made written findings in responses to each written objection of an affected property owner and taxing entity, if any were filed with the City Clerk before the hour set for such joint public hearing; and

WHEREAS, the Agency and the City Council have reviewed and considered the Negative Declaration for the proposed Amendment to the Project, prepared and submitted pursuant to Public Resources Code Section 21000 et seq. and Health & Safety Code Section 33352, and approved said Negative Declaration on June 15, 2004, by City Council Resolution No. ____________.

NOW, THEREFORE, the Porterville City Council does ordain as follows:

SECTION 1: The purpose and intent of the City Council with respect to the proposed Amendment is to delete certain territory (the "Detachment Area") from the boundaries of the Project Area in order to allow the Agency to continue to undertake steps and previously approved projects to eliminate blight and blighting conditions and achieve its goals and objectives within the area within the Project following the removal of Detachment Area from the Project Area (the "Amended Project Area").

SECTION 2: The purpose and intent of the City Council with respect to the proposed Amendment is also to repeal any and all time limits in the Plan for the Project that purport to place on the Agency any time deadline on the establishment of loans, advances and indebtedness as they may apply to the Amended Project Area.
**SECTION 3:** The City Council hereby elects to annually receive the amount authorized by Health and Safety Code Section 33607.5(a)(92) and 33607.5(b).

**SECTION 4:** The City Council hereby finds and determines, based on the evidence in the record, including, but not limited to, the Agency’s Report to City Council on the proposed Amendment and all documents referenced therein:

a) The proposed Amendment will allow continued redevelopment to occur within the Amended Project Area in conformity with the Community Redevelopment Law and in the interests of the public health, safety and welfare. This finding is based in part upon the fact that the proposed Amendment merely removes the Detachment Area from the boundaries of the Project Area, and repeals the time limit for incurring debt, and thus allows the Agency to undertake needed redevelopment activity in the Amended Project Area.

b) The adoption and implementation of the proposed Amendment is economically sound and feasible. This finding is based in part on the fact that with the passage of the proposed Amendment, the Agency will engage in activities within the financial capability of the Agency based upon the revenues that will be available to the Agency and will pursue those activities that are consistent with revenues realized after the removal of the Detachment Area from the Project and the removal of time limits for incurring debt. Furthermore, this finding is based upon the fact that the Agency’s Report to City Council further discusses and demonstrates the economic soundness and feasibility of the Redevelopment Plan and undertakings pursuant thereto, even with the Detachment Area removed from the Project and the deletion of time limits for incurring debt from the Redevelopment Plan.

c) The proposed Amendment conforms to the General Plan of the City of Porterville including, but not limited to, the Housing Element thereof, which substantially complies with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. This finding is based in part on the finding of the City Council that the proposed Amendment conforms to the General Plan for the City of Porterville.

d) Implementation of the proposed Amendment will promote the public peace, health, safety and welfare of the City of Porterville and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Amended Project Area and the community by allowing the Agency to correct continuing conditions of blight and by coordinating public and private actions to stimulate development, contribute toward needed public improvements and improve the economic, and physical conditions of the Amended Project Area and the community.

**SECTION 5:** The City Council continues to be satisfied that in the event occupants of the Amended Project Area are displaced, permanent housing facilities will be available within three (3) years from the time occupants of the Amended Project Area, if any, are displaced, and that pending the development of such permanent facilities, there will be available to any such displaced occupants temporary housing facilities at rents comparable to those in the City of Porterville at the time of their displacement.
SECTION 6: That certain document entitled “Amendment No. 1 to the Redevelopment Plan for Redevelopment Project No. 1”, the maps contained therein and such other reports as are incorporated therein by reference, a copy of which is on file in the Office of the City Clerk of the City of Porterville, having been duly reviewed and considered, is hereby incorporated in this Ordinance by reference and made a part hereof and, as so incorporated, is hereby designated, approved and adopted as the official “Redevelopment Plan for Redevelopment Project No. 1” (the “Redevelopment Plan”).

SECTION 7: In order to implement and facilitate the effectuation of the Redevelopment Plan as hereby approved, the City Council hereby (a) restates its pledge of cooperation in helping to carry out the Redevelopment Plan, (b) restates its request that the various officials, departments, boards and agencies of the City of Porterville having administrative responsibilities in the Amended Project Area likewise cooperate to such end and exercise their respective functions and powers in a manner consistent with the redevelopment of the Amended Project Area, (c) reaffirms that it stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) redeclares its intention to undertake and complete any proceeding necessary to be carried out by the City of Porterville under the provisions of the Redevelopment Plan.

SECTION 8: The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.

SECTION 9: The City Clerk is hereby directed to record with the County Recorder of Tulare County a description of the Detachment Area which has been removed from the Project Area, and a statement that the proposed Amendment has been approved in conformity with the CRL.

SECTION 10: The City Clerk is hereby directed to transmit a copy of the description and statement to be recorded by the City Clerk pursuant to Section 7 of this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Detachment Area, to the auditor and tax assessor of the County of Tulare, to the governing body of each of the taxing agencies that receives taxes from property in the Amended Project Area, and to the State Board of Equalization.

SECTION 11: This Ordinance shall be in full force and effect thirty (30) days from and after the date of final passage.

SECTION 12: If any part of this Ordinance, or the Redevelopment Plan which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and the City Council hereby declares it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof had been deleted.

SECTION 13: This Ordinance shall be introduced at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. This Ordinance shall be published and/or be posted as required by law in accordance with Government Code Section 36933.
PASSED, APPROVED AND ADOPTED by the Porterville City Council this 3rd day of July, 2004 by the following vote:

__________________________
Pedro R. Martinez, Mayor
City of Porterville

ATTEST:

John Longley, City Clerk

By ________________________
  Georgia Hawley, Deputy