PORTERVILLE CITY COUNCIL MEETING
REGULAR MEETING AUGUST 5, 2003
CITY HALL COUNCIL CHAMBERS

Call to Order: 7:00 p.m.
Pledge of Allegiance: Council Member Hamilton.
Invocation: Pastor Mark Pitcher, Porterville Nazarene Church.
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr.

PROCLAMATION

“TULE RIVER POW WOW” - September 21 - 28, 2003

The proclamation was read and then presented to Duane M. Garfield, Sr., Tribal Council Member.

ORAL COMMUNICATIONS

Merrily Davies, 1078 N. Roberta Way, expressed her concerns over recently passed legislative and executive order known as the “Patriot Act.” She requested Council place a resolution to “Uphold the Human Rights and Civil Liberties of the People of Porterville” on an upcoming agenda.

Harold Warner, 1370 Monache, came forward to add his voice to the consideration of the Patriot Act as it relates to Porterville be put on an upcoming agenda. Mr. Warner read an article from the Visalia Times-Delta that the City Council has voted to put this item on a later agenda for consideration.

Jerry Lynch, 1490 N. Atkins Way, addressed the Council on behalf of the Porterville Historical Museum and local motorcycle enthusiasts to publicly give thanks for support of the upcoming Hot August Bikes event at Murry Park and invited everyone to attend. He also thanked City Staff for their efforts and special attention to make this event happen.

Lloyd Winter, 1075 W. Roby, came forward stating that he thought his item, the request to use Veterans Park for the Rolling Relics Annual Car Show, would be on this agenda. He asked that favorable consideration by the Council be given when this item comes before them.

Sara Topa, 885 E. Putnam #30, spoke about water conservation efforts at the Transit Center.

Dick Eckhoff, President Downtown Porterville Association, 30 E. Oak, came forward and stated that he is pleased with the progress on the Graffiti Ordinance. Mr. Eckhoff commented that his recent calls to the hotline have met with rapid response within 24 hours. He stated that in regards to the Ordinance, several points referenced only the property owner with no mention of tenant or person in control of (e.g. Section 18-33, page 4, D.1. line 6); requested clarification of Page 5,
Section 18-33 D.2.d. implies public funds cannot be used to paint graffiti; Page 10, Section 18-39 A. lines 6 & 7 should possibly read “from the owner of the property on which the nuisance exists”; Page 5, Section 18.33 D.2.e. lines 7 & 8 should read “the responsible party may be held."

Donnette Silva-Carter, Porterville Chamber of Commerce, 93 N. Main Street, announced that 900-1000 attendees of the National Speleological Society are in Porterville, and invited City Council members to visit the annual meeting being held at Porterville College. Ms. Silva-Carter also announced that Channel 26 is airing a show Wednesday night entitled “Valley Work” featuring the Porterville and Springville areas due to the recent filming of the “Hulk” movie. Additionally, Channel 30 will air a story tonight based on our communities positive reaction to the recent business fires. Ms. Silva-Carter spoke in favor of the Rolling Relics upcoming Car Show.

Council Member Irish stated that the National Night Out was held tonight at Murry Park. He stated that Police Chief Rodriguez, Mayor Pro Tem Martinez and himself attended. He requested that consideration be given for next year’s council meeting to be held at the event.

CONSENT CALENDAR

Items No. 7 and 8 were removed from the Consent Calender.

1. MINUTES OF JULY 1, 9 & 23, 2004

Disposition: Approved
Document No.: Minute Order No. 01-080503

2. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery.

Disposition: Approved
Document No.: Minute Order No. 02-080503

3. BUDGET ADJUSTMENTS FOR THE 2002/2003 FISCAL YEAR

Recommendation: That the City Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

Disposition: Approved
Document No.: Minute Order No. 03-080503

4. AUTHORIZATION TO ADVERTIZE FOR BIDS - WELL NO. 27

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

Disposition: Approved
Document No.: Minute Order No. 04-080503

5. REQUEST TO APPLY FOR FEDERAL LOCAL LAW ENFORCEMENT BLOCK (LLEBG) GRANT FUNDS

Recommendation: That City Council:
1. Authorize the filing of the grant application;
2. Authorize the Mayor to sign all necessary documents pertaining to the grant;
3. Confirm the appointment of the advisory board as recommended above, including the appointment of Lt. Eric Kroutil; and

Disposition: Approved
Document No.: Minute Order No. 05-080503

6. ACCEPTANCE OF OFFER FOR PROPERTY LOCATED AT 35-37 W. OAK AVENUE, APN NO. 252-200-020 - DOWNTOWN PARKING PROJECT

Recommendation: That City Council:
1. Accept the property owner’s acceptance of $135,000 for the parcel;
2. Authorize staff to arrange for asbestos survey of the building, with City paying for related fees;
3. Authorize staff to begin escrow, with the City paying escrow fees;
4. Authorize the Mayor to sign all necessary documents; and
5. Authorize staff to record all documents with the County Recorder.

Disposition: Approved
Document No.: Resolution No. 96-2003

9a. APPROVAL FOR COMMUNITY CIVIC EVENT - TREE OF LIFE CHURCH YOUTH BLOCK PARTY, AUGUST 30, 2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement for the Tree of Life Church “Youth Block Party” event subject to the restrictions and requirements contained in Exhibit “A”.

Disposition: Approved
Document No.: Minute Order No. 06-080503
9b. APPROVAL FOR COMMUNITY CIVIC EVENT DOWNTOWN PORTERVILLE ASSOCIATION NUESTRO PRIDE CAR SHOW, SEPTEMBER 21, 2003

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 Exhibit “A”.

Disposition: Approved
Document No.: Minute Order No. 07-080503

9c. APPROVAL FOR COMMUNITY CIVIC EVENT - TULE RIVER INDIAN TRIBAL COUNCIL CALIFORNIA INDIAN DAY POWWOW, SEPTEMBER 26-28, 2003

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

Disposition: Approved
Document No.: Minute Order No. 08-080503

9d. APPROVAL FOR COMMUNITY CIVIC EVENT - ZONTA CLUB OF PORTERVILLE DEMONSTRATION OF CONCERN FOR RISING CRIME, AUGUST 21, 2003

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

Disposition: Approved
Document No.: Minute Order No. 09-080503

10. CLAIM - NANCY TOOMEY

Recommendation: That the Council reject said claim, and refer the matter to the City’s Insurance Adjustor, and direct the City Clerk to give the Claimant proper notification.

Disposition: Approved
Document No.: Minute Order No. 10-080503

10a. CLOSED SESSION PURSUANT TO GOV. CODE § 54946.9(c): TWO CASES.
CLOSED SESSION PURSUANT TO GOV. CODE § 54957: EVALUATION FOLLOW-UP POSITION: CITY MANAGER
CLOSED SESSION PURSUANT TO GOV. CODE § 54957.6: CONFERENCE WITH LABOR NEGOTIATOR. AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUPS: PORTERVILLE PEACE OFFICERS ASSOCIATION; PORTERVILLE CITY EMPLOYEES ASSOCIATION.

CLOSED SESSION PURSUANT TO GOV. CODE § 54956.9: ANTICIPATED LITIGATION.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve Item Numbers 1 through 6 and 9 through 10a of the Consent Calendar.

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

Disposition: Approved

7. AUTHORIZE MEMBERSHIP IN NEW INVESTMENT OPPORTUNITIES: CALTRUST AND CAMP

Recommendation: Approve the attached Resolution authorizing the Treasurer/Chief Financial Officer, or designee, of the City of Porterville to join the Investment Trust of California (CalTRUST) and the California Asset Management Program (CAMP) as alternative investment avenues.

The City Manager presented the item and the Deputy City Manager presented the staff report and reviewed rates of returns for the CAMP and CalTRUST Programs.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to authorize the Treasurer/Chief Financial Officer, or designee, of the City of Porterville to join the Investment Trust of California (CalTRUST) and the California Asset Management Program (CAMP) as alternative investment avenues. The motion carried unanimously.

Disposition: Approved

8. PROPOSED AMENDMENT TO THE SERVICE AGREEMENT WITH MBIA MUNI SERVICES FOR UTILITY USER’S TAX COMPLIANCE

Recommendation: That the Council approve the attached agreement for utility user’s tax compliance services as provided by MBIA Muni Services, and authorize the Mayor to sign the appropriate documents.
The City Manager presented the item, and the Deputy City Manager gave the staff report.

Council questioned the amount of funds received and the use of the funds.

Council Member Irish requested that any funds received this current year that was above and beyond the budgeted appropriations be used for public safety and fire.

Council Member Irish stated that in the future he would also like to review the $500 cap on utilities included in the utility users tax resolution.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Stadtherr that the Council approve entering an agreement for utility user’s tax compliance services with MBIA Muni Services and authorizing the execution of the agreement.

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

Disposition: Motion Failed

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish to accept Item 8 as amended by Council Member Irish to allocate any additional funds received this fiscal year to the Public Safety and Fire Departments.

M.O. 11-080503

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

Disposition: Approved

FIRST READING

11. FIRST READING OF AN ORDINANCE REGULATING GRAFFITI AND THE PRESENTATION OF A GRAFFITI ABATEMENT PROGRAM

Recommendation: 1. Accept the revisions in the Graffiti Ordinance as presented for first reading.
2. Budget an additional $40,000 from the City’s Solid Waste Fund for graffiti abatement.
3. Authorize the City to retain a part-time (20 hours per week) employee for 10 months specifically for graffiti abatement and assign the position to Field Services.
4. Authorize the City to retain a part-time (20 hours per week) Graffiti Action Coordinator for 11 months. This employee will report to Field Services but will coordinate closely with the City Manager’s office.
5. Authorize the City Manager to undertake the Graffiti Action Volunteer Program throughout the City.
6. Provide modification or direction regarding the implementation of other elements of the Graffiti Action Program which has been outlined by the City Manager.
7. Evaluate the effectiveness of the program, and modify its elements appropriately in the course of the consideration of the Fiscal Year 04-05 Budget.

The City Manager presented the staff report and the draft Ordinance.

The City Attorney stated that she had made note of the grammatical changes stated by Mr. Eckhoff, the change on Page 4, D,1 regarding 24 hour posting notice—the 48 hour posting should read the same. She stated that the ordinance would also be considering removal as painting over the graffiti, and they would be adding that definition under 18-32.

Council Member Irish stated that a rewards program had been requested for fighting graffiti, and it was clarified that the matter was being reviewed by the committee.

Council questioned Section 18-42, and only requiring parents to be in attendance at 50% of any assigned community service time. The City Attorney stated that the section could be amended to allow for the maximum percentage of time allowed by law.

Council directed staff to send a letter to the local juvenile court judges, and other local judges, asking for their support of the City’s effort to crack down on graffiti crimes. A copy of the ordinance is to be sent with the letters.

The City Manager then read the Ordinance by title only.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council waive further reading of the ordinance, with the suggested changes. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council approve the ordinance as amended and order to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 18, ARTICLE II, “GRAFFITI,” IN ITS ENTIRETY AND REPLACING IT
Ordinance 1638 WITH THE PROVISIONS OF A NEW ARTICLE II TO ADDRESS THE OCCURRENCE OF GRAFFITI AS A NUISANCE, AND TO PROVIDE FOR THE REMOVAL OF GRAFFITI, AND THE RECOVERY OF COSTS INCURRED IN SUCH REMOVAL. The motion carried unanimously.

Disposition: Ordinance amended and ordered to print.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that Council approve recommendations 2 through 5. The motion carried unanimously.

Mayor Stadtherr stated that Items 6 and 7 did not require a vote.

Disposition: Approved

The Council took a ten minute recess at this time.

SCHEDULED MATTERS

12a. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF PORTIONS OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ORANGE AVENUE AND C STREET (APN NO. 261-108-001) - PROPOSED ORANGE AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the attached Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

The City Manager presented the item and the City Attorney gave the staff report.

Robert Felburg, 3050 Johnson Avenue, Costa Mesa, California, came forward and spoke about his two projects which he had been working on for ten years. Mr. Felburg spoke about his problems in getting his projects done and the hardships he faced. Mr. Felburg stated that he had no problem with the City acquiring the property in question, but the mortgage holders objected as he was four years delinquent on his payments. Mr. Felburg also spoke about his other project in the Porter Vista Public Utility District.

Council Member Hamilton clarified that the City Attorney would continue to negotiate on this property.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council adopt the Resolution of Necessity and authorize the City Attorney to take all appropriate action to acquire said property.

Resolution 98-2003

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

Disposition: Approved

12b. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ORANGE AVENUE AND WALLACE STREET (APN NO. 261-150-045) - PROPOSED ORANGE AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the attached Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

The City Manager presented the item and the City Attorney gave the staff report.

The property owners did not give any testimony.

The Council questioned the necessity of obtaining the property.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council adopt the Resolution of Necessity and authorize the City Attorney to take all appropriate action to acquire said property. The motion carried unanimously.

Disposition: Approved

Council Member Irish stated that he would be abstaining from Item Nos. 13a and 13b.

13a. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF PORTIONS OF PROPERTY LOCATED AT 655 NORTH NEWCOMB STREET (SOUTHERLY 10 FEET AND AN ADDITIONAL ONE-FOOT WIDE EASEMENT - APN NO. 254-214-019) - PROPOSED MEMORY LANE WIDENING PROJECT
Recommendation: That City Council:
1. Hear testimony from the owners and or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the attached Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

The City Manager presented the item and the City Attorney gave the staff report.

The property owner did not give any testimony.

The Council questioned the necessity of obtaining the property.

COUNCIL ACTION: MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member Hamilton that the Council adopt the Resolution of Necessity and authorize the City Attorney to take all appropriate action to acquire said property.

Resolution 100-2003

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

Disposition: Approved

13b. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF PROPERTY LOCATED AT 655 NORTH NEWCOMB STREET (EASEMENT OF APPROXIMATELY 1900 SQ. FT. OWNED BY HARLAN BENTZ, BEN ENNIS, AND BEN WEBB - APN NO. 254-214-019) - PROPOSED MEMORY LANE WIDENING PROJECT

Recommendation: That City Council:
1. Hear testimony from the owners and or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the attached Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

The City Manager presented the item and the City Attorney gave the staff report.

Ben Webb, 97 South Corona Drive, came forward and gave brief history on the Memory Lane property and the easement recorded 24 years prior. He stated that the City has a prescriptive right for the roadway, and could use the roadway. Mr. Webb stated that he felt it was a misuse of public funds to put a band-aid on a problem that had existed for 24 years, and would just end up with a street that would be red-curbed or something, and would not be a full street. He stated that they
would be spending good money after a bad project to create another bad project. He contended that with the sixteen feet the City would have the room to put the full roadway, and they could not add ten feet to that and have room for curbs, gutters and sidewalks. Mr. Webb stated that the City did not have to contend with the property owner fee title, just with their right of way. He stated that they had always felt that the City had a prescriptive right, and they had nothing to negotiate with the City for, and if the City Attorney would prepare the documents necessary, they would sign to the City of Porterville at no cost—what they offered to do in 1979 and the City refused to accept. Mr. Webb stated that the City did not have to pay them one dime. They were a part of the community, and they offered to give this property in 1979, and they would give it tomorrow if the documents were ready, but the City didn’t need any additional right of way to accomplish what they were trying to accomplish for the community there to make it a safe street.

The City Attorney spoke with Mr. Webb to clarify his position and what the issue was if he was willing to sign the document.

Mr. Webb stated that the issue was that they were taxpayers, and they felt this was an inappropriate use of taxpayers money and a gift of public funds.

The City Attorney addressed the prescriptive easement issue, and recommended that this hearing be continued to August 19, 2003 to give staff time to research the issues brought up that evening.

Mayor Stadtherr stated that the hearing would be continued to the next meeting.

14. UPDATED REPORT ON FIREWORKS

Recommendation: As directed by Council.

Mario Garcia, Assistant Fire Chief, presented the staff report and responded to Council’s questions regarding vendors and resulting fires.

No action was taken.

15. APPROVAL OF THE ANNUAL REPORT OF THE BUSINESS IMPROVEMENT AREA ADVISORY BOARD AND SETTING OF A PUBLIC HEARING

Recommendation: That the City Council:
1. Approve the report of the Business Improvement Advisory Board;
2. Adopt a resolution of intention to levy an annual assessment for the fiscal year 2003-2004; and

The City Manager presented the item and the Deputy City Manager gave the staff report.
In response to Council questions, Denise Marchant spoke regarding the background of the Downtown Association.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council approve the report of the Business Improvement Advisory Board, adopt a resolution of intention to levy an annual assessment for the fiscal year 2003-2004, and set a public hearing for August 19, 2003. The motion carried unanimously.

Disposition: Approved

16. REVIEW OF WESTWOOD STREET RECONSTRUCTION IN CONJUNCTION WITH OTHER STREET PROJECT ALTERNATIVES

Recommendation: That City Council:
1. Approve and adopt Attachment 1, “Capital Improvements Strategies 2003 - 2006", as the official three year Capital Improvement Projects (CIP) document and direct staff to proceed with the implementation of said documents;
2. Direct staff to explore the possibility of acquiring additional COP funds by extending the life of the current COP loan;
3. Direct staff to prepare a full report on the result of staff’s research on acquiring additional COP funds; and
4. Modify Attachment 1, “Capital Improvement Strategies 2003 - 2006" to incorporate the strategies outlined in options B.1 through B.4 if the research indicates that additional COP funds can be acquired by extending the life of the current COP loan.

The City Manager presented the item and the Acting Public Works Director, Baldo Rodriguez, gave the staff report.

Council Member Irish questioned the projected costs.

Mayor Stadtherr clarified that Options B-1 through B-4 were to be done as a total.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council accept the recommendations by staff of M.O. 12-080503 Items 1 through 4. The motion carried unanimously.

Disposition: Approved

Mayor Stadtherr asked that future attachments be on letter sized paper if possible.
The City Manager stated that a recommendation was not included for Attachment C-2, and he believed that it was something that needed to be discussed with the schools prior to bringing that attachment because the projects, both additions and deductions, would effect those school sites.

17. BUREAU OF INDIAN AFFAIRS - NOTICE OF APPLICATION SEEKING ACCEPTANCE OF TITLE TO REAL PROPERTY “IN TRUST” FOR THE TULE RIVER INDIAN TRIBE

Recommendation: That the City Council review the Draft response letter, approve the content of the letter and authorize the Mayor to sign the letter and submit to the Bureau of Indian Affairs.

The City Manager presented the item and the Community Development Director gave the staff report.

Council Member Irish asked for comments from the Tribe’s representative.

Sam Cohen, Legal Counsel, Tule River Indian Tribe P. O. Box 589, Porterville CA 93258, came forward and stated that the tribe purchased forty acres west of the airport in 1992. He stated that currently there were two metal buildings filled by tribal entities, and they had unsuccessfully tried to aggressively market the other fifteen units. Mr. Cohen stated that the tribe has proposed to put the property into trust status which was owned by the United States of America Government on behalf of the tribe to enhance its marketability. He stated that trust status would 1) provide tax incentives, 2) provide for accelerated depreciation, and 3) get the land HUD status. He stated that it would be a significant benefit in marketing the site. Mr. Cohen stated that tribal representatives had attended almost every meeting the City has had, and spoken to staff or Council members regarding the letter. Mr. Cohen stated that he was available for any questions by Council. He stated that they were currently actively involved in answering many of the questions, and were contacting the E.D.A. to get the City released from any of their obligations on the grant. He stated that there was tentatively a Joint City staff/Tribal staff meeting with the Federal Aviation Administration in Los Angeles toward the end of the month to finalize the issue as well. He stated that this was another complicated project that they were working on that the City was invited to participate in. Mr. Cohen stated that the tribe would be working with the Bureau of Indian Affairs and answering their questions, and the City would probably get an answer back from the Regional office of the Bureau of Indian Affairs in Sacramento.

Mayor Pro Tem Pete Martinez asked about guarantees on the use of the land.

Mr. Cohen stated that 1) the land was going into trust under a Categorical Exemption, which means it has to maintain its current land use, and if a change in land use was proposed, it had to go through a National Environment Policy Act (NEPA) process, and 2) they felt that the tribe was subject to all FAA restrictions on the site.
The Community Development Director clarified that in the last paragraph of the letter the request for an extension be set for 180 days.

Mr. Cohen stated that he thought it should perhaps be sixty to ninety days, but the City could ask for whatever time it wants and the Bureau would give them what the Bureau wanted.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council send the letter off, with the amendment in the last paragraph of 180 days. The motion carried unanimously.

Disposition: Approved

18. **MOTOCROSS RACE PROPOSAL**

Recommendation: That the City Council approve the Motocross Race Contract for August 9, 2003 through June 30, 2004, with Central Valley Racing at the OHV Park.

The City Manager presented the item and the Acting Parks and Leisure Services Director gave the staff report.

Council Member Hamilton thanked the staff for the additional information provided.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council approve the Motocross Race Contract for August 9, 2003 through June 30, 2004, with Central Valley Racing at the OHV Park. The motion carried unanimously.

Disposition: Approved

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

**PORTERVILLE REDEVELOPMENT AGENCY**

August 5, 2003

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

**ORAL COMMUNICATIONS**

There were no oral communications.

**SCHEDULED MATTER**

PRA-1 APPROVAL FOR COMMUNITY CIVIC EVENT DOWNTOWN PORTERVILLE ASSOCIATION NUESTRO PRIDE CAR SHOW, SEPTEMBER 21, 2003
Recommendation: That the Agency approve the use of the parking lot on Second Street, from Garden to Olive, in conjunction with the attached Community Civic Event Application and Agreement from Downtown Porterville Association, subject to the stated requirements contained in Exhibit “A”.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish 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 Exhibit “A”.

M.O. PRA 01-080503 AYES: West, Hamilton, Irish, Martinez, Stadtherr NOES: None ABSTAIN: None ABSENT: None

Disposition: Approved

CLOSED SESSION

1. CLOSED SESSION PURSUANT TO GOV. CODE § 54956.8: CONFERENCE WITH REAL PROPERTY NEGOTIATOR: BRAD DUNLAP, COMMUNITY DEVELOPMENT DIRECTOR. NEGOTIATING PARTY: TULARE COUNTY HOUSING AUTHORITY. LOCATION OF PROPERTY: EAST LINE OF FOURTH STREET AT EAST THURMAN AVENUE. UNDER NEGOTIATION: PRICE & TERMS OF SALE.

Chairman Stadtherr presented the subject of the closed session.

The Redevelopment Agency adjourned to a meeting of the Porterville City Council at 10:18 p.m.

ORAL COMMUNICATIONS

Robert Felburg, 3050 Johnson Avenue, Costa Mesa, stated although he believes in the Redevelopment Agency, he requests that his property at 260 S. Main Street be excluded from the Redevelopment Project.

Mr. Rodriguez replied that street development design would be non-standard if the City excluded this property.

Mayor Stadtherr directed the City Manager to provide the Council a memo from staff on what the request would entail.
OTHER MATTERS

Council Member Irish commented that during the recent fires he noticed that the Fire Department uses the Police Department Command Center. He stated that the Fire Department is in need of a Command Center for their use, giving fire personnel access to equipment specifically designed for their needs.

Acting Fire Chief Garcia stated that a Homeland Security Grant application has been submitted that will fund, if received, a Fire Command Center. The grant acceptance or non-acceptance is expected to be received in September.

COUNCIL COMMENTS

Council Member West asked for clarification of the purchase price for the Felburg property. City Attorney Julia Lew stated that the City offer of $499 is for both corner pieces and encompasses a very small amount of square footage.

CLOSED SESSIONS

Mayor Stadtherr adjourned the Council at 10:25 p.m. to the Closed Sessions. The Council reconvened from the Closed Sessions at 11:56 p.m. No action was taken.

ADJOURNMENT

The Council adjourned at 11:56 p.m. to August 19, 2003.

Georgia Hawley, Deputy City Clerk
By Vickie Schulz, Secretary

SEAL

Richard M. Stadtherr, Mayor