CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MAY 6, 2008, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez (arrived during Closed Session), Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

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

Pledge of Allegiance Led by a Porterville Police Explorer
Invocation – One individual participated.

PROCLAMATIONS
Mr. William Dunn
Pastor Dave Braun
Granite Hills’ Grizzly Gazette

PRESENTATIONS
Employee of the Month – Sandi Farnsworth
Porterville Police Explorers – Pebble Beach Pro-Am Golf Tournament
Tulare County EDC – San Joaquin Valley Railroad

ORAL COMMUNICATIONS
• Chris Sanders, 492 W. Kanai, spoke on behalf of Nelly and Jose Elizondo, owners of ‘D’ Street Chevron located at 244 S. ‘D’ Street, who have requested a modification to their existing conditional use permit to include the off-sale of alcohol, and presented written request.
• Martha Alcazar Flores, 249 S. Indiana, introduced Cece Taylor, Jacinda Martinez, Mandy Armstrong, Avery Taylor, Mirna Acuna, and Kim Johnson, who will be participating in the AIDS Lifecycle Run from June 1st through June 7th, 2008 as “Team Porterville”; extended invitation to an event in support of “Team Porterville” to be held at The Brickhouse on Sunday, May 18th at 1:00 p.m.
• Cece Taylor, 17601 Rd. 276, spoke of journey that will start in San Francisco and end in Los Angeles, and promoted AIDS awareness and education.
• Donnette Silva Carter, stated that she would be presenting a check to “Team Porterville” on behalf of her and her husband to support their cause; extended invitations to Fair Kickoff Mixer on Thursday, May 8th, Music on Main Street, and Sequoia Valley Adventures Expo on May 9th; announced the construction of the Southern Sequoia Visitor’s Center, which will be located at Riverwalk Marketplace, to be built and provided to the Chamber by Ennis Commercial Properties.

CONSENT CALENDAR

Items 1, 2, 9, 23, and 24 were removed for abstention. Items 16 and 22 were removed for further discussion.

3. CLAIM – FERNANDO MARTINEZ

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

Documentation: M.O. 01-050608
Disposition: Approved

4. TRANSIT CLAIM – ABIGAIL ALVARADO

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

Documentation: M.O. 02-050608
Disposition: Approved

5. TRANSIT CLAIM – ANITA RODRIGUEZ

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

Documentation: M.O. 03-050608
Disposition: Approved

6. BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR
Recommendation: That the Council approve the proposed budget adjustment, and authorize staff to modify revenue and expenditure estimates as described on the presented schedule.

Documentation: M.O. 04-050608
Disposition: Approved

7. AUTHORIZATION TO ADVERTISE FOR BIDS – HENDERSON AVENUE STORM DRAIN PROJECT – VILLA STREET TO ‘G’ STREET

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

Documentation: M.O. 05-050608
Disposition: Approved

8. AUTHORIZATION TO ADVERTISE FOR BIDS – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING PROJECT

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

Documentation: M.O. 06-050608
Disposition: Approved

10. AUTHORIZATION TO ADVERTISE FOR BIDS – GRANITE HILLS MICRO SEAL PROJECT

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

Documentation: M.O.07-050608
Disposition: Approved

11. AWARD OF CONTRACT – NEWCOMB STREET SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:
1. Award the Newcomb Street Shoulder Stabilization Project to Halopoff and Sons in the amount of $145,856.93;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.
12. ACCEPTANCE OF PROJECT – OLIVE AVENUE AND HOLCOMB STREET BUS TURNOUT

Recommendation: That the City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 09-050608
Disposition: Approved

13. ACCEPTANCE OF THE WELL NO. 31 (PHASE ONE – DRILLING) PROJECT

Recommendation: That the City Council:
1. Accept the Well No. 31 Project (Phase One – Drilling) Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 10-050608
Disposition: Approved

14. ACCEPTANCE OF PROJECT – TRAFFIC SIGNAL #9 (OLIVE AVENUE & MATHEW STREET)

Recommendation: That City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 11-050608
Disposition: Approved

15. ACCEPTANCE OF PROJECT – RIVERWALK MARKETPLACE (BID PACKAGE 3 ONLY)

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

Documentation: M.O. 12-050608
Disposition: Approved
17. AUTHORIZATION TO AUGMENT FINANCIAL PARTICIPATION WITH ENNIS COMMERCIAL PROPERTIES, LLC – STATE ROUTE 190 & SOUTH JAYE STREET CONSTRUCTION PROJECT

Recommendation: That the City Council authorize the City to increase the participation amount with Ennis Commercial Properties, LLC for the SR 190 and South Jaye Street Reconstruction project by $148,462.66.

Documentation: M.O. 13-050608
Disposition: Approved

18. AUTHORIZATION LETTER FOR REGIONAL HOUSEHOLD HAZARDOUS WASTE AND USED OIL GRANT APPLICATIONS

Recommendation: That City Council authorize the City Manager to sign the Authorization Letter for Regional Grant Applications on behalf of the City of Porterville.

Documentation: M.O. 14-050608
Disposition: Approved

19. AN INTERIM ORDINANCE ADOPTING AN INTERIM ZONING MATRIX AND IMPLEMENTATION PLAN TO IMPLEMENT THE PORTERVILLE 2030 GENERAL PLAN – UPDATE REPORT

Recommendation: Informational Only.

20. CONDITIONAL USE PERMIT 3-2007 (MR. JOHAL, OLIVE MINIT MART) ONE (1) YEAR EXTENSION OF TIME

Recommendation: That the City Council adopt the draft resolution approving a one (1) year extension of time for Conditional Use Permit 3-2007.

Documentation: Resolution 36-2008
Disposition: Approved

21. TULARE COUNTY REGIONAL BLUEPRINT

Recommendation: That the City Council:
1. Approve 25% increased density assumption; and
2. Authorize the Mayor to sign a letter indication support for 25% increased density model and request adequate time to review and comment on draft Blueprint Policies.

Documentation: M.O. 15-050608
Disposition: Approved

25. REQUEST FOR PERMIT TO USE PATIO AREA AT AIRPORT RESTAURANT
Recommendation: That City Council approve a permit to utilize the patio area, consistent with the terms and conditions defined in this staff report.

Documentation: M.O. 16-050608
Disposition: Approved

26. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

Recommendation: That the City Council:
1. Extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2008 to June 30, 2009 in the amount of $35,722; and
2. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 17-050608
Disposition: Approved

27. THIS ITEM HAS BEEN REMOVED

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the City Council approve Items 3-8, 10-15, 17, 18, 20, 21, 25 and 26. The motion carried unanimously.

1a. CITY COUNCIL MEETING OF APRIL 1, 2008

Recommendation: That the Council approve the Minutes of April 1, 2008.

City Manager John Longley presented the item, and it was requested by Council Member McCracken that the Minutes be acted upon separately for abstention.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve the Minutes of April 1, 2008. The motion carried unanimously.

Disposition: Approved

1b. CITY COUNCIL MEETING OF SEPTEMBER 27, 2007

Recommendation: That the Council approve the Minutes of September 27, 2008

City Manager Longley introduced the item.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve the Minutes of September 27, 2007.

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

Disposition: Approved

2. CLAIM – DIANA STANDRIDGE

Recommendation: That the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City clerk to give the Claimant proper notification.

City Manager Longley introduced the item, and Mayor Hamilton stated that he would be abstaining from the item because he and the claimant attended the same church. City Attorney Julia Lew clarified that the Mayor had no legal conflict, but could abstain if he wished to.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City clerk to give the Claimant proper notification.

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

Disposition: Approved

9. AUTHORIZATION TO ADVERTISE FOR BIDS – CORE AREA CURB, GUTTER AND SIDEWALK PHASE TWO AND FOUR

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

City Manager Longley introduced the item, and Council Member McCracken stated that he would be abstaining from the item because his business was within 500 feet of the area being considered.
16. DEDICATION OF CITY PROPERTY TO PORTERVILLE PUBLIC CEMETERY – TUESDAY’S ANGELS

Recommendation: That the City Council:
1. Approve the agreement as written;
2. Authorize the Mayor to execute the agreement; and
3. Direct the Public Works Director to proceed with the lawful conveyance of the 2.26 acres by Grant Deed to the Porterville Public Cemetery.

City Manager Longley introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve the agreement as written; authorize the Mayor to execute the agreement; and direct the Public Works Director to proceed with the lawful conveyance of the 2.26 acres by Grant Deed to the Porterville Public Cemetery. The motion carried unanimously.

Disposition: Approved

22. SEAFOOD CAFÉ/EL REVENTON UPDATE

Recommendation: Provide direction to staff.

Council Member McCracken made a motion to move this item to Scheduled Matters to be considered as Item 42. City Attorney Lew clarified that a motion was not necessary unless there was going to be a dispute. After a brief discussion it was decided that the item would be considered at that time and not during Scheduled Matters. Mayor Hamilton and Mayor Pro Tem Felipe Martinez abstained from the item due to conflicts of interest and exited Council Chambers. City Manager Longley introduced the item, and there was no staff report presented.

Council Member McCracken stated that he was concerned that the applicant was not in compliance as of the date set by Council, but was in compliance as of the day of the City Council Meeting, which was two weeks later. He suggested that Council take this into consideration when setting future compliance dates, and schedule dates to coincide with Council meetings or specify enforcement procedures that would allow staff to follow through. Council Members Pedro Martinez and Hernandez concurred that the process needs to be more specific.
23. APPROVAL OF AGREEMENT WITH TULE RIVER AERO INDUSTRIES FOR TIE-DOWNS

Recommendation: That the City Council authorize the City Manager to sign an Agreement with Tule River Aero Industries with the stated terms.

Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez noted a conflict of interest on Items 23 and 24. City Attorney Lew explained that because the item was pulled for abstention only, and there would be no discussion it was not necessary that they leave Council Chambers.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Hamilton M.O. 23-050608 that the Council authorize the City Manager to sign an Agreement with Tule River Aero Industries with the stated terms.

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

Disposition: Approved

24. NEW AIRPORT LEASE – FBO LOT 7

Recommendation: That the City Council:
1. Consent to the expansion of Tule River Aero Industries by approving the draft Lease Agreement between the City of Porterville and Tule River Aero Industries, for Lot 7 at the Porterville Municipal Airport; and
2. Further, that Council approve the revised site description for Lot 7 and Property Plat.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Hamilton M.O. 24-050608 that the Council consent to the expansion of Tule River Aero Industries by approving the draft Lease Agreement between the City of Porterville and Tule River Aero Industries, for Lot 7 at the Porterville Municipal Airport; and approve the revised site description for Lot 7 and Property Plat.

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

Disposition: Approved
PUBLIC HEARINGS

28. FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS NO. 41 THROUGH 45, AND ESTABLISHING ASSESSMENTS

Recommendation: That the City Council:
1. Conduct a Public Hearing on the formation and levy of assessments; and
2. Adopt Resolution ordering the formation of Landscape and Lighting Maintenance District numbers 41, 42, 43, 44 and 45, approving the Engineer’s Reports, and the method and levy of assessments.

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

The hearing was opened to the public at 8:15 p.m. Seeing no one, the Mayor closed the hearing to the public at 8:15 p.m.

There was a brief discussion with regard to the tax benefits and when they would be received by the City. During the discussion Mr. Perrine elaborated on the process and noted that if the County did not provide assessment numbers prior to January of any given year, the assessments could not be applied until the following year.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council adopt the Resolution ordering the formation of Landscape and Lighting Maintenance District numbers 41, 42, 43, 44 and 45, approving the Engineer’s Reports, and the method and levy of assessments. The motion carried unanimously.

Disposition: Approved

29. ADOPTION OF THE 2008-2009 ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS

Recommendation: That the City Council:
1. Conduct a public hearing to solicit comments on the 2008/2009 Action Plan;
2. Adopt the 2008/2009 Action Plan resolution of approval; and
3. Authorize the City Manager to execute all necessary documents.

City Manager Longley introduced the item, and Development Associate Denise Marchant presented the staff report.

The hearing opened to the public at 8:27 p.m. Seeing no one, the Mayor closed the hearing to the public at 8:27 p.m.

At Council Member McCracken’s request, the City Attorney clarified that there was no potential
for conflicts because it was remote enough as far as how it would affect the Council Members at an individual standpoint.

Community Development Director Brad Dunlap elaborated on the use of CDBG and other grant funds in the past years.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez the Council adopt the 2008/2009 Action Plan resolution of approval; and authorize the City Manager to execute all necessary documents. The motion carried unanimously.

Disposition: Approved

30. REQUEST TO ALLOW RE-SUBMITTAL FOR A CONDITIONAL USE PERMIT 4-2008 TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 EAST PUTNAM AVENUE (MOUNIB DAKHIL)

Recommendation: That the City Council take no action.

City Manager Longley introduced the item, and Community Development Director Dunlap clarified, for the record that the applicant was requesting that the City Council reconsider his application for a Conditional Use Permit upgrade. He stated that the public hearing should not have been noticed, because the applicant had to obtain the Council’s authorization to re-submit the request, which would require the applicant providing staff with changed conditions. Director Dunlap added that the applicant would be informed of the need to provide that information upon his return to the country.

The Council recessed for ten minutes.

SCHEDULED MATTERS

31. RECEIVING THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2008-2009 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES

Recommendation: That the City Council:
1. Schedule a draft budget study session;
2. Schedule a Capital Program study session; and

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

The Council briefly discussed dates for a Budget Study Session and agreed on May 27th, 2008. It was then recommended by the City Manager that the Council schedule the Capital Program Study Session at the Draft Budget Study Session. The City Attorney recommended that the Public Hearing be formally set by motion.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro
M.O. 25-050608 Tem Felipe Martinez that the Council schedule a Budget Public Hearing for the June 17th, 2008 City Council meeting. The motion carried unanimously.

Disposition: Approved

32. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

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

City Manager Longley introduced the item, and Chief Financial Officer Maria Bemis presented the staff report.

Chief Financial Officer stated that there was a $900,000 shortfall, largely in sales tax revenue, that was a result in a decline in auto sales and construction.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept the interim financial status reports and grants summary report. The motion carried unanimously.

Disposition: Approved

33. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB866.

City Manager Longley introduced the item, and Chief Financial Officer Maria Bemis presented the staff report.

City Manager Longley elaborated on the City’s financial standing, future projections, and the difficult trends that were in play.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB866. The motion carried unanimously.

Disposition: Approved

34. STREET PERFORMANCE MEASURE QUARTERLY UPDATE

Recommendation: Information Only.

City Manager Longley introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

Disposition: Informational Report.
35. USE OF CMAQ FUNDS FOR CONCRETE IMPROVEMENTS

Recommendation: That the City Council direct the Public Works Director to present a final report and list all concrete construction options once TCAG provides an answer on the funding questions posed in the City’s April 24, 2008 letter.

City Manager Longley introduced the item, and Public Works Director Baldo Rodriguez presented the staff report. Council Member Hernandez refrained from participation in the discussion due to a previous abstention on this item.

After some discussion, Council directed staff to bring back the item at the next City Council meeting if a response from Tulare County Association of Governments was received.

Disposition: Direction provided.

36. ACTION PLAN TO INCREASE AERATION IN MURRY PARK POND

Recommendation: Accept the progress report on actions to increase aeration in Murry Park Pond.

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

Council directed staff to provide plans for the additional pump, for a total of two, to be used on a seasonal or as needed basis.

Disposition: Direction provided.

37. CONSIDER BUDGET ESTIMATE FOR MURRY PARK PAVILLION REPLACEMENTS

Recommendation: The City Council direct that $75,000 of Risk Management funds be programmed into the FY 2008-2009 Capital Improvement Projects Budget for replacement of the two pavilions.

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

A discussion ensued in which it was noted that the steel structures proposed could be relocated upon implementation of the Murry Park Master Plan, and the justification for using Risk Management funds were explained.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct that $75,000 of Risk Management funds be programmed into the FY 2008-2009 Capital Improvement Projects Budget for replacement of the two pavilions. The motion carried unanimously.
38. ADDITIONAL CITY HALL FLAGPOLE

Recommendation: That City Council:
1. Evaluate the need for a third flag pole to be installed near the northernmost entrance of City Hall; and
2. If City Council determines an additional flag pole is necessary, direct staff to obtain and install a 40’ flag pole and proportional United States flag at a cost not to exceed $4,700; and
3. Authorize expenditure of related costs from the City Council’s contingency fund (001-5010-001-910).

City Manager Longley introduced the item. At Council’s request, no staff report was presented.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council direct staff to obtain and install a 40’ flag pole and proportional United States flag at a cost not to exceed $4,700; and authorize expenditure of related costs from the City Council’s contingency fund (001-5010-001-910).

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

Disposition: Approved

39. RESOLUTION OF OPPOSITION FOR PROPOSITION 98 AND RESOLUTION OF SUPPORT FOR PROPOSITION 99

Recommendation: That the City Council:
1. Approve the draft resolution of opposition to Proposition 98;
2. Approve the draft resolution of support for Proposition 99;
3. Authorize the transmittal of these resolutions to the League of California Cities and the California Redevelopment Association; and
4. Authorize the use of the City’s name by the “Yes on Proposition 99” campaign in support of Proposition 99.

City Manager Longley introduced the item. At Council’s request, no staff report was presented.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the draft resolution of opposition to Proposition 98; approve the draft resolution of support for Proposition 99; authorize the transmittal of these resolutions to the League of California Cities and the California Redevelopment Association; and authorize the use of the City’s name by the “Yes on Proposition 99” campaign in support of Proposition 99.
99. The motion carried unanimously.

Disposition: Approved

40. CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council:
1. Appoint five members of the public to fill five four-year term vacancies on the Transactions and Use Tax Oversight Committee; and
2. Direct the City Clerk to notify all interested individuals of the Council’s action.

City Manager Longley introduced the item. At Council’s request, no staff report was presented.

Staff was directed to provide attendance records for all future re-appointment considerations.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council appoint John D. Baumgartner, Bob Gray, Shirley S. Hickman, Jack Irish, and Joseph Guerrero to fill the five four-year term vacancies on the Transactions and Use Tax Oversight Committee; and direct the City Clerk to notify all interested individuals of the Council’s action. The motion carried unanimously.

Disposition: Approved

41. CONSIDERATION OF LETTER OF SUPPORT FOR AB 2254

Recommendation: None

City Manager Longley introduced the item. At Council’s request, no staff report was presented.

The Council discussed the proposed Bill, and with the assistance of Deputy City Manager Lollis, identified which schools would be affected within the City.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize the Mayor to sign a letter of support for AB 2254.

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

Disposition: Approved

42. PROPOSAL FOR COUNTY-WIDE STATE ENTERPRISE ZONE DESIGNATION
Recommendation: That the City Council:
1. Approve the City’s inclusion in the application for a County-wide enterprise zone application;
2. Approve the proposed funding distribution for the preparation of the application, including the City of Porterville’s responsibility of $24,057; and
3. Authorize a budget adjustment of $24,057 from unallocated General Fund Reserves.

City Manager Longley introduced the item, and Deputy City Manager Lollis presented the staff report.

Community Development Director Dunlap explained that participating in a county-wide application would accomplish many of the same objectives, as would applying alone, and prove more cost effective for the City.

Linda Wammack stated that the trend for the new enterprise zones had been multi-jurisdictional, and that there were several county-wide enterprise zones within the state.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member M.O. 32-050608 Pedro Martinez that the Council approve the City’s inclusion in the application for a County-wide enterprise zone application; approve the proposed funding distribution for the preparation of the application, including the City of Porterville’s responsibility of $24,057; and authorize a budget adjustment of $24,057 from unallocated General Fund Reserves. The motion carried unanimously.

Disposition: Approved

The Council adjourned at 9:47 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA
May 6, 2008

Roll Call: Member McCracken, Member Pedro Martinez, Member Hernandez, Vice Chairman Felipe Martinez, Chairman Hamilton

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. AUTHORIZATION TO NEGOTIATE CONTRACT FOR REDEVELOPMENT PROJECT AREA AMENDMENT
Recommendation: That the City Council:
1. Approve the Redevelopment Area Amendment and Downtown Design Overlay (Master Plan) as separate projects;
2. Authorize staff to negotiate a contract with Urban Futures for the Redevelopment Area Amendment; and
3. Authorize staff to negotiate a contract with the next highest ranked firm (Rosenow Spevacek Group, Inc.) in the event a contract cannot be negotiated with Urban Futures.

That the Porterville Redevelopment Agency:
1. Approve the Redevelopment Area Amendment and Downtown Design Overlay (Master Plan) as separate projects;
2. Authorize staff to negotiate a contract with Urban Futures for the Redevelopment Area Amendment; and
3. Authorize staff to negotiate a contract with the next highest ranked firm (Rosenow Spevacek Group, Inc.) in the event a contract cannot be negotiated with Urban Futures;
4. Approve a 2007-08 budget adjustment of $200,000 for the Redevelopment Area Amendment and Downtown Design Overlay projects; and
5. Authorize the Chairman to sign all documents.

Agency Chairman Hamilton and Agency Member McCracken recued themselves. Community Development Director Brad Dunlap noted that staff had evaluated the proximity of the Council/Agency member’s property interest, and relative to the project study area, Mayor/Chair Hamilton and Council/Agency Member McCracken fell within the study area and Mayor Pro Tem/Vice Chair Felipe Martinez fell within 500 feet of the study area. City Attorney Julia Lew explained that because Mayor Pro Tem/Vice Chair Felipe Martinez was only within 500 feet of the area, as opposed to the other two who fell inside the area, he would remain to consider the item. Brad Dunlap noted that the proximities of the City Manager and Deputy City Manager were also evaluated.

Community Development Director Brad Dunlap then presented the staff report. After which, City Attorney Julia Lew recommended that two motions be made for the minute record, one as a City Council action, and the second as an Agency action.

A brief discussion ensued with regard to eminent domain and the Courthouse Commons project. City Manager Longley clarified that there was a limitation on eminent domain within the plan.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve the Redevelopment Area Amendment and Downtown Design Overlay (Master Plan) as separate projects; authorize staff to negotiate a contract with Urban Futures for the Redevelopment Area Amendment; and authorize staff to negotiate a contract with the next highest ranked firm (Rosenow Spevacek Group, Inc.) in the event a contract cannot be negotiated with Urban Futures.
AYES: P. Martinez, F. Martinez, Hernandez
NOES: None
ABSTAIN: McCracken, Hamilton
ABSENT: None

Disposition: Approved

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Hernandez, that the Agency approve the Redevelopment Area Amendment and Downtown Design Overlay (Master Plan) as separate projects; authorize staff to negotiate a contract with Urban Futures for the Redevelopment Area Amendment; authorize staff to negotiate a contract with the next highest ranked firm (Rosenow Spevacek Group, Inc.) in the event a contract cannot be negotiated with Urban Futures; approve a 2007-08 budget adjustment of $200,000 for the Redevelopment Area Amendment and Downtown Design Overlay projects; and authorize the Chairman to sign all documents.

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

Disposition: Approved

The Joint City Council/Redevelopment Agency meeting adjourned at 10:03 p.m to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Dick Eckhoff, 197 N. Main, spoke favorably of two established residences above business locations on Main Street; commended the City for their work on the Oak Avenue redevelopment and encouraged redevelopment in similar areas; notified Council of damaged curb in front of Sugarplums on Main Street where a pedestrian recently fell; and stated he was glad to see continued efforts to connect the courthouse and common area to the downtown area.

OTHER MATTERS
• Council Member Hernandez
  1. Commented on the number of community events and activities that take place in the months of April and May, and commended Porterville Chamber of Commerce for their efforts and involvement in said events.
  2. Spoke of trip to re: AB 1884, and stated that he was grateful for the experience.
  3. Stated that he had celebrated his son’s 10\textsuperscript{th} birthday.
• Mayor Pro Tem Felipe Martinez
  1. Spoke of his trip to Sacramento re: AB1234, where he was also able to meet a gentleman named Robert Gore and present the medical academy paperwork.
  2. Spoke of 2\textsuperscript{nd} trip to Sacramento he took as a committee member.
3. Suggested that the City consider using the Zalud House site for the Mayor’s reception of visitors.
   • Council Member Pedro Martinez
   1. Thanked everyone who participated in the Cinco de Mayo Event and Rollin’ Relics Event, and spoke favorable of both events.

ADJOURNMENT
The Council adjourned at 10:14 p.m. to the meeting of May 20, 2008 at 6:00 p.m.

_________________________________
Luisa Herrera, Deputy City Clerk

SEAL

_________________________________
Cameron Hamilton, Mayor