Called to Order at 6:00 p.m.
Roll Call: Vice Mayor McCracken, Council Member Felipe Martinez, Council Member Ward (arrived late), Mayor Hamilton
Absent: Council Member Pedro Martinez

The City Council adjourned to a Joint Meeting of the City Council and the Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION AGENDA

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

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

During Closed Session, the Redevelopment Agency meeting adjourned to a meeting of the Porterville City Council.

CLOSED SESSION:

B. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.
7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL/AGENCY ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no action had been taken.

Pledge of Allegiance Led by Vice Mayor Pete McCracken
Invocation – one individual participated.

PRESENTATIONS
City Manager’s Featured Project – Playground Equipment Replacement Project

ORAL COMMUNICATIONS
- Donnette Silva Carter, Porterville Chamber of Commerce, 1) provided the Council Members with a new brochure promoting tourism in Tulare County; 2) advised that the Chamber was sponsoring a workshop for “Managing in Difficult Times”; 3) spoke of a Business Recovery Expo to be held at the Heritage Center Complex in Tulare on April 8th; and 4) advised of “Business Sustainability” workshops planned beginning in June. Mayor Hamilton requested that Ms. Carter e-mail the dates to the Council.

The Council adjourned at 7:10 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA
MARCH 17, 2009

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

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. ADOPTION OF THE PRELIMINARY PLAN AND ADDED TERRITORY BOUNDARIES FOR THE PROPOSED 2010 AMENDMENT OF THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1

Recommendation: That the City Council acting as the Planning Commission:
- 1. Adopt a Resolution Selecting Added Territory Boundaries for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No.1;
- 2. Adopt a Preliminary Plan as the Basis for Preparing Said Amendment;
- 3. Transmit said Preliminary Plan to the Porterville Redevelopment Agency for its Consideration and Action; and
4. Authorize Mayor to Sign All Documents.

That the Porterville Redevelopment Agency:
1. Adopt a Resolution Accepting the Preliminary Plan for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1;
2. Authorize Preparation of the Preliminary Report, other documents, and Directing Transmittal of Certain Documents and Information, and Establishing a Base Year Assessment Roll to be Used for Allocation of Taxes from within the Added Territory; and
3. Authorize Chairman to Sign All Documents.

Vice Mayor McCracken recused himself. At the request of staff, the item was continued to the next regular City Council meeting.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve continuance of the item to the April 7, 2009 City Council Meeting.

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

AGENCY ACTION: MOVED by Agency Member Felipe Martinez, SECONDED by Agency Member Ward that the Redevelopment Agency approve continuance of the item to the April 7, 2009 City Council Meeting.

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

Vice Mayor McCracken indicated that he had a conflict as a member of the Redevelopment Agency, but not as a member of the City Council, and requested that the City Attorney look into whether or not he was required to abstain from Council action in the future.

Disposition: Item continued.

The Redevelopment Agency adjourned at 7:12 p.m. to a meeting of the Porterville City Council.

CONSENT CALENDAR
Items 10, 13 and 14 were removed for further discussion.

2. CITY COUNCIL MINUTES OF FEBRUARY 17, 2009
Recommendation: That the City Council approve the Minutes of February 17, 2009.

Documentation: M.O. 02-031709
Disposition: Approved

3. CLAIM – VINCENT AND RUTH GALVANTE

Recommendation: After consideration and investigation, staff recommends 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. 03-031709
Disposition: Approved

4. CLAIM – VINCENT AND RUTH GALVANTE

Recommendation: After consideration and investigation, staff recommends 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. 04-031709
Disposition: Approved

5. AUTHORIZATION FOR EMERGENCY PURCHASE / REPLACEMENT OF REFUSE TRUCK ENGINE

Recommendation: That the City Council authorize the purchase and replacement of the refuse truck engine with a Cummins certified remanufactured engine installed by E.M. Tharp.

Documentation: M.O. 05-031709
Disposition: Approved

6. AUTHORIZATION TO ADVERTISE FOR BIDS – OHV (OFF HIGHWAY VEHICLE) PARK SPECTATOR AWNING

Recommendation: That the 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. 06-031709
Disposition: Approved

7. AWARD OF CONTRACT – ROTARY SCREW AIR COMPRESSORS & REFRIGERATED COMPRESSED AIR DRYER FOR WWTF
Recommendation: That the City Council award the contract for the Rotary Screw Air Compressor project to Accurate Air Engineering, Inc., of Fresno, CA, in the amount of $32,464.18. Further, that the City Council authorize payment upon satisfactory delivery and installation of the equipment.

Documentation: M.O. 07-031709
Disposition: Approved

8. AWARD OF CONTRACT – FIRE STATION NO. 2 CLASSROOM - HVAC (REBID)

Recommendation: That City Council:
1. Award the Fire Station No. 2 Classroom HVAC project to Silver Air, Inc. in the amount of $28,140; and
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 08-031709
Disposition: Approved

9. ACCEPTANCE OF IMPROVEMENTS - SUMMIT ESTATES, PHASE ONE (GARY SMEE – NICHOLSON & SMEE, LLC)

Recommendation: That the City Council:
1. Accept the public improvements of Summit Estates, Phase One Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 09-031709
Disposition: Approved

11. RULES AND REGULATIONS FOR ISSUING TRANSIT USER PARKING PERMITS

Recommendation: That the City Council:
1. Approve the attached Rules and Regulations;
2. Authorize the City Engineer to install Regulatory signs; and
3. Authorize the Police Chief to issue citations in accordance with the latest adopted “Bail Schedule”.

Documentation: M.O. 10-031709
Disposition: Approved
12. APPROVAL FOR COMMUNITY CIVIC EVENT – MARIACHI ACADEMY FOUNDATION – TIME MARCHES ON – TRI TIP DINNER DRIVE THRU

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Mariachi Academy Foundation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 11-031709
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felip e Martinez, SECONDED by Council Member Ward that the City Council approve Item Nos. 2-9, 11, and 12.

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

10. COMMUNITY CLEAN UP EVENTS

Recommendation: That City Council:
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating budget.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Member Ward pointed out that the Iris Festival and “Porterville Celebrates Reading” were also scheduled for April 25, 2009. Staff was then directed to select a new date for the spring event and bring back information at the next meeting.

Disposition: Item continued.


Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Church of the Nazarene for Transition Sunday with a
vehicle procession, On April 19, 2009, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Mayor Hamilton disclosed that he attended Church of the Nazarene, and Vice Mayor McCracken disclosed that he lived within five hundred feet of the church. City Attorney Lew advised that there were no conflict on interest issues with either disclosure.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member M.O. 12-031709 Felipe Martinez that the City Council approve he Community Civic Event Application and Agreement from Church of the Nazarene for Transition Sunday with a vehicle procession, On April 19, 2009, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

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

Disposition: Approved

14. SCHEDULING OF SPECIAL JOINT MEETINGS OF THE CITY COUNCIL AND CITY BOARDS AND COMMISSIONS

Recommendation: That the City Council approve the scheduling of special joint meetings between the Council and the City’s Library Board of Trustees and Parks & Leisure Services Commission during the month of April, coordinating with the regular meeting dates and times of the Board (Thursday, April 9th, 4:30 p.m.) and Commission (Thursday, April 2nd, 5:30 p.m.).

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. City Manager Lollis noted changes to the proposed dates due to scheduling conflicts.

The item was continued to the April 7th, 2009 meeting. Staff was directed to re-schedule the meeting dates, and re-schedule the meeting time with the Library Board to 5:30 p.m.

Disposition: Item continued.
15. REQUEST FOR COUNCIL PARTICIPATION EVALUATING AIRPORT ARCHITECTURAL & ENGINEERING CONSULTANT STATEMENT OF QUALIFICATIONS

Recommendation: That the City Council appoint one Council member to work with staff to evaluate the consultant qualifications for airport architectural and engineering services.

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

A discussion ensued about whether a Council Member should be involved in the process.

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the removal of City Council Member involvement from all Selection committee processes.

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

Disposition: Approved, as amended.

16. UPDATE ON WATER CONNECTION POLICY AND REQUEST FOR WAIVER OF SEWER CONNECTION REQUIREMENTS AT 917 S. WISCONSIN

Recommendation: That the City Council:

1. Direct the Public Works Director to issue a “septic tank installation” waiver exclusively to Mr. Federico Ramos for the development of one (1) single family residential house at 917 S. Wisconsin;
2. Direct that Mr. Ramos, his heirs or subsequent owners of the property at 917 S. Wisconsin sign an agreement stating their intention to extend and connect to City sewer when said sewer is within 200’ of 917 S. Wisconsin; and
3. Authorize the Public Works Director to evaluate future requests for septic tank installations on a case by case basis and determine if circumstances are such that installation of a septic tank is fair, reasonable and cost effective.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.
COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council direct the Public Works Director to issue a “septic tank installation” waiver exclusively to Mr. Federico Ramos for the development of one (1) single family residential house at 917 S. Wisconsin; direct that Mr. Ramos, his heirs or subsequent owners of the property at 917 S. Wisconsin sign an agreement stating their intention to extend and connect to City sewer when said sewer is within 200’ of 917 S. Wisconsin; and authorize the Public Works Director to evaluate future requests for septic tank installations on a case by case basis and determine if circumstances are such that installation of a septic tank is fair, reasonable and cost effective.

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

Disposition: Approved

17. UPDATE – OPTIONS FOR DEALING WITH IMPROPERLY MAINTAINED ABANDONED OR FORECLOSED PROPERTIES

Recommendation: That the City Council provide additional direction concerning the development of local regulations.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report. Following the staff report, the Council directed staff to continue monitoring the issue.

Disposition: Staff direction given.

18. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUIREMENT FOR CONDITIONAL USE PERMIT FOR CARD ROOM OPERATION

Recommendation: As directed by Council.

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew advised that Council Member Felipe Martinez was able to participate in consideration of the item.

A discussion ensued with regard to the possibility of requiring a Conditional Use Permit for card room operations. City Attorney Lew indicated that the Council had more discretion under the current permitting process, and added that a requirement of a Conditional Use Permit would require consistency in approval standards for all applications.

Disposition: No action taken.
ORAL COMMUNICATIONS

- Boyd K. Leavitt, a Porterville resident, spoke of Measure R, and requested that a resolution be sent to the Board of Supervisors opposing the use of Measure R funds on anything other than streets.

OTHER MATTERS

- Council Member Ward, 1) spoke of the lack of striping on Indiana between Morton and Olive, and inquired as to the status of same. Public Works Director Baldo Rodriguez advised that ceramic reflective buttons had been installed, which was a newer method of marking. After a brief discussion, it was confirmed that striping would be addressed. Council Member Ward then updated everyone on the status of his daughter’s birth, which is expected any day.
- Council Member Felipe Martinez 1) spoke of the Tri-Tip Dinner fundraiser by the Time Marches On Committee and invited everyone to support the effort; and 2) updated that Council on the recent water meeting with State legislators.
- Vice Mayor McCracken updated the Council on the recent Mosquito Abatement Committee meeting, and requested consensus on whether the item should be placed on the next agenda for consideration.
- City Manager Lollis updated the Council on the recently held Youth Voice Conference, and spoke of Council Member Pedro Martinez’s efforts in that regard.

The Council recessed for ten minutes at 7:57 p.m., after which the Council convened Closed Session. (During Closed Session, the Council adjourned to a meeting of the Porterville Redevelopment Agency.)

CLOSED SESSION

The Council/Redevelopment Agency reconvened the public meeting at 8:45 p.m. City Attorney Julia Lew reported that the City Council and Porterville Redevelopment Agency took the following action:

REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:


City Attorney Lew reported that the Redevelopment Agency authorized: 1) staff to open escrow, with the Agency paying normal and customary escrow fees; 2) staff to make payment to Huu Tieu and Martin Loeffler in the amount of $930,000, after completion of escrow, the recording of the Assignment and Assumption Agreement, with amendments, and the Disposition and Development Agreement; 3) the Chairman to sign all necessary documents; and 4) staff to record all documents with the County Recorder.
AGENCY ACTION: MOVED by Agency Member Ward, SECONDED by Agency Chair Hamilton that the Redevelopment Agency authorized staff to open escrow, with the Agency paying normal and customary escrow fees; 2) staff to make payment to Huu Tieu and Martin Loeffler in the amount of $930,000, after completion of escrow, the recording of the Assignment and Assumption Agreement, with amendments, and the Disposition and Development Agreement; 3) the Chairman to sign all necessary documents; and 4) staff to record all documents with the County Recorder.

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

Disposition: Approved

CITY COUNCIL CLOSED SESSION:

B. Closed Session Pursuant to:
   3- GOVERNMENT CODE SECTION 54956.9(B) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – ONE CASE.

City Attorney Lew reported that the City Council approved and authorized the Settlement and Mutual Release Agreement with Southern California Edison, and approved payment in the amount of $43,000 to Southern California Edison to settle a dispute with regard to the costs of the relocation of several electrical transmission lines adjacent to or near Indiana Avenue from Olive Avenue to Morton Street that Edison performed between 2001 and 2005.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve and authorize the Settlement and Mutual Release Agreement with Southern California Edison, and approved payment in the amount of $43,000 to Southern California Edison to settle a dispute with regard to the costs of the relocation of several electrical transmission lines adjacent to or near Indiana Avenue from Olive Avenue to Morton Street that Edison performed between 2001 and 2005.

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

Disposition: Approved

4- GOVERNMENT CODE SECTION 54956.9(C) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – THREE CASES.
City Attorney Lew reported that the City Council authorized sending a 90 day Notice of Intention to Terminate the Reclamation Management Agreement to Mr. Robert Nuckols; and authorized sending a Notice of Intention to Prepay the Lease/Purchase Agreement to Mr. Robert Nuckols.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council authorize sending a 90 day Notice of Intention to Terminate the Reclamation Management Agreement to Mr. Robert Nuckols; and authorize sending a Notice of Intention to Prepay the Lease/Purchase Agreement to Mr. Robert Nuckols.

AYES: McCracken, F. Martinez, Ward, Hamilton

NOES: None

ABSTAIN: None

ABSENT: P. Martinez

Disposition: Approved

**ADJOURNMENT**

The Council adjourned at 8:50 p.m. to the meeting of April 7, 2009 at 6:00 p.m.

______________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________
Cameron Hamilton, Mayor