CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
APRIL 7, 2009, 6:00 P.M.

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

ORAL COMMUNICATIONS
None

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

Public Works Director Baldo Rodriguez noted a typographical error on Closed Session Agenda Item No. A-5. He advised that APN 302-100-103 should read APN 302-100-013.

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

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

PROCLAMATIONS
   Adult Literacy Day – April 16, 2009
   Arbor Day – April 24, 2009
PRESENTATIONS
Employee of the Month – Susan Duke

ORAL COMMUNICATIONS
- Vikki Cervantes, came forward as a member of the Time Marches on Committee, and thanked everyone for their support of the Tri-Tip Dinner Fundraiser recently held.
- Yvonne Eckles, spoke of a lack of support for local seniors, of limitations at the Santa Fe Depot, and of the need for the City’s assistance.
- Bob Reeves, voiced concern with a lack of venues and activities for seniors in the Porterville area, and requested the City’s assistance.
- Yvonne Eckles, 1100 West Westfield, voiced concern with the City’s requirement for weed abatement at her property, and suggested that the City should pay for the service.
- Marti Irish, spoke of a TEA (“Taxed Enough Already”) Party scheduled to take place in Porterville at Centennial Park on April 15, 2009 from 11:00 a.m. to 2:00 p.m. and invited everyone to attend.
- Dick Eckhoff, business address at 197 N. Main Street, requested that he have an opportunity to speak on Item No. 27; and posed inquiries as to Items 28 and 31.
- Tim Day, President of Rollin’ Relics Car Club, spoke in favor of the Council’s approval of Item No. 19, and provided the Council Members with a publication from the prior year’s event.
- Bob Nuckols, voiced concern with comments made in the recent article in the Porterville Recorder regarding the farming operation, and spoke of disputed facts related to the farming contract, and of unintentional overbilling on his part. Mr. Nuckols requested that a meeting be scheduled so as to reconcile what was owed to him and the City.

CONSENT CALENDAR
Item Nos. 3, 4, 9, 11, 16 and 17 were removed for further discussion.


Documentation: M.O. 01-040709
Disposition: Approved with noted abstention by Pedro Martinez for March 27, and March 31, 2009 Minutes.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – INDIANA STREET SHOULDER STABILIZATION PROJECT (OLIVE AVENUE TO PUTNAM AVENUE)

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. 02-040709
Disposition: Approved
5. **ACCEPTANCE OF PROJECT – SCREENING AND GRIT TOWER EQUIPMENT UPGRADE 2007**

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

Documentation: M.O. 03-040709
Disposition: Approved

6. **ACCEPTANCE OF PROJECT – MURRY PARK RESTROOM SITE IMPROVEMENTS**

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

Documentation: M.O. 04-040709
Disposition: Approved

7. **RATIFICATION OF APPROVAL OF AGREEMENT WITH PIONEER WATER COMPANY**

Recommendation: That the City Council ratify its approval of the Agreement between the City of Porterville and the Pioneer Water Company dated February 9, 2009.

Documentation: M.O. 05-040709
Disposition: Approved

8. **RESOLUTION FOR PREPAYMENT OF LEASE PAYMENTS**

Recommendation: That the City Council:
1. Adopt the draft resolution;
2. Authorize staff to begin escrow, with the City paying escrow fees, making payment in the amount of $233,275.98 plus accrued interest until close of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize the City Clerk to record all documents with the County Recorder.

Documentation: Resolution 20-2009
10. WATER CONSERVATION PLAN

Recommendation: That City Council:
   1. Declare May as Water Awareness month; and
   2. Schedule a Public Hearing for May 19, 2009, to consider revisions to the Water Conservation Plan and moving into Phase II.

Documentation: M.O. 06-040709
Disposition: Approved

12. APPROVAL OF ENCROACHMENT AGREEMENT – TULE AERO BUILDING (SOUTHERN CALIFORNIA EDISON COMPANY)

Recommendation: That the City Council:
   1. Approve the Encroachment Agreement between Southern California Edison Company, the City of Porterville and Tule River Aero Industries, Inc.;
   2. Authorize the Mayor and City Clerk to sign the Encroachment Agreement; and
   3. Authorize the City Clerk to mail the signed Encroachment Agreement to SCE for recordation.

Documentation: Resolution 21-2009
Disposition: Approved

13. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT SCRANTON AVENUE AND INDIANA STREET RECONSTRUCTION PROJECT

Recommendation: That the City Council:
   1. Approve the proposed resolution affirming the City Council’s support of the Scranton Avenue and Indiana Street Reconstruction project;
   2. Authorize the Mayor and City Manager to execute the Scranton Avenue and Indiana Supplemental Agreement;
   3. Direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority; and
   4. Direct the Public Works Director to proceed with final construction documentation.

Documentation: Resolution 22-2009
Disposition: Approved

14. INTENT TO ABANDON A PORTION OF VILLA STREET (FRANK’S STOP N GO)

Recommendation: That City Council:
1. Pass a resolution of intent to abandon a portion of Villa Street from north of the north right of way of Olive Avenue; and
2. Set the Council meeting of May 5, 2009, as the time and place for a public hearing.

Documentation: Resolution 23-2009
Disposition: Approved

15. AIRPORT LEASE RENEWAL – LOT 35

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mrs. Chantal Stewart and Ms. Paula M. Jackson of Petaluma, CA, for Lot 35 at the Porterville Municipal Airport.

Documentation: M.O. 07-040709
Disposition: Approved

18. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE CELEBRATES READING, APRIL 25, 2009

Recommendation: That the City Council:
1. Approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A”, without closing Olive Avenue; and
2. Approve the use of the parking lot on the South side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing.

Documentation: M.O. 08-040709
Disposition: Approved

19. APPROVAL FOR COMMUNITY CIVIC EVENT – ROLLIN’ RELICS CAR SHOW – MAY 2, 2009

Recommendation: That the Council approve the proposed Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement, and Exhibit “A”.

Documentation: M.O. 09-040709
Disposition: Approved

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit “A”; and

2. Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns.

Documentation: M.O. 10-040709
Disposition: Approved with noted abstention by Pedro Martinez.

21. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE COMMUNITY DEVELOPMENT DEPARTMENT

Recommendation: That the City Council adopt the draft Resolution authorizing a change in the Table of Organization in the Planning Division of the Community Development Department.

Documentation: Resolution 24-2009
Disposition: Approved

22. CONSIDERATION OF REQUEST FOR DESIGNATION AS A PASSPORT ACCEPTANCE FACILITY

Recommendation: That the City Council authorize the City Clerk’s office to file a request for designation with the U.S. Department of State Bureau of Consular Affairs to serve as a Passport Acceptance Facility.

Documentation: M.O. 11-040709
Disposition: Approved

23. 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 (Tuesday, April 14th, 6:00 PM) and the Parks & Leisure Services Commission (Tuesday, May 12th, 6:00 PM).

Documentation: M.O. 12-040709
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council accept Item Nos. 1, 2, 5-8, 10, 12 through 15, and 18 through 23.
3. AWARD OF CONTRACT – MURRY & ZALUD PARK PAVILION REPLACEMENT PROJECTS

Recommendation: That City Council:

1. Award the Murry & Zalud park Pavilion Replacement Projects to Webb & Son in the amount of $85,992.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and 5% for staff time and construction engineering.

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

Council Member Ward expressed concern with the cost of the project and proposed utilizing staff for projects to save money. A discussion ensued regarding ways to reduce costs, such as looking into partnerships with non-profit organizations. City Manager Lollis indicated that C-SET was interested in teaching pavilion construction as a skill set for students, and estimated that it would be four to five months before it came to fruition.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council reject staff’s recommendation to award the Murry & Zalud Park Pavilion Replacement Project to Webb & Son in the amount of $85,992.00.

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

Vice Mayor McCracken spoke about the need to replace the pavilions; requested that staff look into solutions involving partnerships with service clubs and groups for future projects; and voiced his disappointment with the amount of time it has taken to address the pavilion replacement.

Council Member Felipe Martinez spoke in opposition of approaching service groups.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council award the Murry & Zalud park Pavilion Replacement Projects to Webb & Son in the amount of $85,992.00; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs, and 5% for staff time and construction engineering.
4. AUTHORIZATION TO EXECUTE ADDITIONAL WORK – TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

Recommendation: That the City Council authorize staff to issue a change order to TTS Construction in the amount of $62,230.00 for asphalt maintenance work at the City Corporation Yard.

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

Council Member Ward inquired about the additional work not going out to bid, being that the cost exceeded five thousand dollars. Public Works Director Baldo Rodriguez indicated that the extra work was within the scope of the work being done, would be covered within the approved project budget, and would save the City money. Council Member Ward reiterated his concerns and inquired about compliance with the City’s Charter. City Attorney Lew advised that there was no violation of the Charter if the additional work was within the scope and within a certain percentage of the project as Mr. Rodriguez had indicated. City Manager Lollis described how the issue of additional work was typically addressed, and a discussion ensued with regard to the fairness of awarding additional work without going through the bid process.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council authorize staff to issue a change order to TTS Construction in the amount of $62,230.00 for asphalt maintenance work at the City Corporation Yard.

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

Disposition: Approved

9. MODIFICATION TO CONSULTANT SELECTION POLICY

Recommendation: That the City Council:
1. Review and approve the proposed modifications to the City of Porterville’s “Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services”; and
2. Direct the Public Works Director to incorporate and implement said modifications when considering future consultant services.

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

Council Member Pedro Martinez inquired about the reasoning behind the request for modification of the current policy.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council review and approve the proposed modifications to the City of Porterville’s “Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services”; and direct the Public Works Director to incorporate and implement said modifications when considering future consultant services.

**AYES:** McCracken, F. Martinez, Ward, Hamilton

**NOES:** P. Martinez

**ABSTAIN:** None

**ABSENT:** None

Disposition: Approved

11. WATER CONSERVATION AND RECYCLING MAGNETS

**Recommendation:** That City Council:

1. Approve including the water schedule and recycling information magnets in the City billing; and

2. Authorize the expenditure of approximately $7,250 to cover expenses.

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

Council Member Ward requested that staff prepare a “Pre/Post” cost-benefit analysis.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council approve including the water schedule and recycling information magnets in the City billing; and authorize the expenditure of approximately $7,250 to cover expenses. The motion carried unanimously.

Disposition: Approved

16. RETAIL RECRUITMENT UPDATE AND AUTHORIZATION FOR TRAVEL
Recommendation: That City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers Conference.

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

Mayor Hamilton stated that he had pulled the item to bring it to the public’s attention.

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers Conference. The motion carried unanimously.

Disposition: Approved

17. REQUEST TO APPROVE SPONSORSHIP OF THE PORTERVILLE MUNICIPAL AIRPORT AIRSHOW

Recommendation: That the City Council:

1. Authorize the City to provide insurance for the Airshow from Risk Management and General Fund sources in an amount set by the City’s risk manager. Allocate the remainder of $7,500 from General Fund sources to support Airshow logistics and operations; and
2. Authorize $4,000 from Airport general operating monies to be utilized to support Airshow logistics and operations.

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

- Dave Nenna, spoke about the history of the Fly-In.

Council Member Pedro Martinez spoke in favor of the event and requested that the bus route be extended for the event.

Council Member Felipe Martinez spoke about a dinner/dance fundraising event scheduled to take place on April 18th, 2009 at the Airport.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council authorize the City to provide insurance for the Airshow from Risk Management and General Fund sources in an amount set by the City’s risk manager; allocate the remainder of $7,500 from General Fund sources to support Airshow logistics and operations; and authorize $4,000 from Airport general operating monies to be utilized to support Airshow logistics and operations. The motion carried unanimously.

Disposition: Approved
The Council recessed for ten minutes.

The City Council adjourned at 8:27 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Agency.

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA**  
**APRIL 7, 2009**

Roll Call: Vice Chairman McCracken, Agency Member P. Martinez, Agency Member F. Martinez, Agency Member Ward, Chairman Hamilton

**ORAL COMMUNICATIONS**  
- Dick Eckhoff, address on record, spoke in favor of expanding the Redevelopment Project Area.

**JOINT COUNCIL/REDEVELOPMENT PUBLIC HEARING**
24. APPROVAL OF AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN PORTERVILLE HOUSING PARTNERS, L.P., AND THE PORTERVILLE REDEVELOPMENT AGENCY FOR THE SALE OF PROPERTY LOCATED AT 131 W. PUTNAM AVENUE (APN 252-193-004 AND 005)

Recommendation:  
1. That the City Council and Redevelopment Agency hold a Joint Public Hearing regarding the approval of an Affordable Housing Agreement for the sale of the property at 131 W. Putnam to Porterville Housing Partners, L.P;  
2. That the City Council adopt the draft resolution consenting to the approval by the Porterville Redevelopment Agency of an Affordable Housing Agreement by and between the Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Mayor to sign all necessary documents; and  
3. That the Redevelopment Agency adopt the draft resolution approving an Affordable Housing Agreement by and between the Porterville Redevelopment Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Chairman to sign all necessary documents.

City Attorney Lew indicated that Vice Mayor McCracken and Council Member Felipe Martinez had conflicts of interest due to being within 500 feet of the project. They recused themselves and left the Council Chambers.

Community Development Director Brad Dunlap presented the staff report. During the staff report Mr. Dunlap referenced a memorandum that was distributed to the Council which outlined some technical changes.

The hearing opened to the public at 8:33 p.m. Seeing no one, the Mayor closed the public hearing at 8:34 p.m.
COUNCIL ACTION: Resolution 25-2009
MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council adopt the draft resolution consenting to the approval by the Porterville Redevelopment Agency of an Affordable Housing Agreement by and between the Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Mayor to sign all necessary documents.

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

AGENCY ACTION: PRA 2009-02
MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Ward that the Redevelopment Agency adopt the draft resolution approving an Affordable Housing Agreement by and between the Porterville Redevelopment Agency and Porterville Housing Partners, L.P., a California Limited Partnership, and making findings in connection therewith and authorize the Chairman to sign all necessary documents.

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

Disposition: Approved

JOINT COUNCIL/REDEVELOPMENT SCHEDULED MATTERS
25. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CERTAIN SECTIONS OF PREVIOUSLY ADOPTED RESOLUTION NO. 77-2008 TO REPLACE AND SUPERSEDE THE SURVEY AREA MAP INCLUDED THEREWITH AND CERTAIN OTHER MATTERS

Recommendation: That the Council of the City of Porterville adopt the draft resolution Amending Certain Sections of Previously Adopted Resolution no. 77-2008 to Replace and Supersede the Survey Area Map Included Therewith and Certain Other Matters.

City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

COUNCIL ACTION: Resolution 26-2009
MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council adopt the draft resolution Amending Certain Sections of Previously Adopted Resolution no. 77-2008 to Replace and Supersede the Survey Area Map Included Therewith and Certain Other Matters. The motion carried unanimously.
26. 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.

Community Development Director Dunlap presented the conflict of interest map and noted the following for the record:

- Mayor Hamilton’s residence was outside the proposed project area but his business was within the area.

- Vice Mayor McCracken’s residence was not within the proposed project area but his business was within the area.

- Council Member Felipe Martinez’s two residences and business were within 500 feet of the proposed project area.

- Council Members Pedro Martinez and Council Member Ward had no conflict of interest.

He indicated that of the three conflicted council members, Felipe Martinez was the least conflicted and would be brought back by Rule of Necessity.

Mayor Hamilton and Vice Mayor McCracken recused themselves and left the Council Chambers.
Mr. Dunlap presented the staff report.

- Ernie Glover, consultant, spoke about characteristics that illustrated conditions of blight; and addressed questions posed by the City Council.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Felipe Resolution 27-2009 Martinez that the City Council, acting as the Planning Commission adopt a Resolution Selecting Added Territory Boundaries for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1; adopt a Preliminary Plan as the Basis for Preparing Said Amendment; transmit said Preliminary Plan to the Porterville Redevelopment Agency for its Consideration and Action; and authorize Mayor to Sign All Documents.

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

**AGENCY ACTION:** MOVED by Agency Member Felipe Martinez, SECONDED by Agency Member Ward that the Redevelopment Agency adopt a Resolution Accepting the Preliminary Plan for the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1; 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 authorize Chairman to Sign All Documents.

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

Disposition: Approved

The Joint City Council/Redevelopment Agency Meeting adjourned at 9:15 p.m. to a meeting of the Porterville City Council.

The Council recessed for five minutes.

**PUBLIC HEARINGS**
27. CONSIDERATION OF AN AMENDMENT TO THE MUNICIPAL CODE (INCLUDING THE ZONING ORDINANCE) TO ALLOW THE KEEPING OF RACING, HOMING, AND SPORTING PIGEONS IN THE CITY OF PORTERVILLE

Recommendation: That the City Council:
1. Approve the proposed ordinance and give first reading to the draft ordinance;
2. Waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and City Planner Ben Kimball presented the staff report.

The hearing opened to the public at 9:17 p.m.

- Dick Eckhoff, address on record, former pigeon breeder, raised various questions regarding the proposed ordinance.

The hearing was closed to the public at 9:21 p.m.

A brief discussion ensued with regard to the types of pigeons and enforcement of the code relative to the keeping of pigeons.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the proposed ordinance and give first reading to the draft ordinance; and waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING THE KEEPING OF RACING, HOMING, AND SPORTING PIGEONS TO THE MUNICIPAL CODE.

The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS
28. SUBCOMMITTEE REPORT ON RECLAMATION AREA OPERATIONS

Recommendation: That the City Council:
1. Review staff’s report along with the entire Reclamation Area Lease “Request for Proposal” (under separate cover) and add, delete, or otherwise modify said proposal;
2. Direct the Public Works Director to update the “Request for Proposal” to include Council’s comments;
3. Authorize the Public Works Director to advertise the “Proposals for Reclamation Area Lease” services;
4. Direct the Reclamation Area Subcommittee to review, analyze and tabulate the scoring of each proposal received; and
5. Direct the Public Works Director to present the Subcommittee’s findings with recommendations to the full Council no later than June 16, 2009.

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

Vice Mayor McCracken commented on the proposal selection criteria and weighting, and Mr. Rodriguez explained the purpose of the criteria. Vice Mayor McCracken expressed concern with the inclusion of “marketing and sales experience for crops” as criteria.

A discussion ensued with regard to the contractual responsibilities under the new agreement, and the reasons for the change in format.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council member Felipe Martinez that the City Council direct the Public Works Director to update the “Request for Proposal” to include Council’s comments; authorize the Public Works Director to advertise the “Proposals for Reclamation Area Lease” services; direct the Reclamation Area Subcommittee to review, analyze and tabulate the scoring of each proposal received; and direct the Public Works Director to present the Subcommittee’s findings with recommendations to the full Council no later than June 16, 2009. The motion carried unanimously.

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

Disposition: Approved

29. **INTERIM URGENCY ORDINANCE TO DEFER THE COLLECTION OF CERTAIN DEVELOPMENT IMPACT FEES TO OCCUPANCY**

Recommendation: That the City Council:

1. Approve the proposed ordinance and give first reading to the draft ordinance; and
2. Waive further reading and order the ordinance to print.

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

**COUNCIL ACTION:** MOVED by the Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve the proposed ordinance and give first reading to the draft ordinance; and waive further reading and order the ordinance to print, being AN INTERIM ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF PORTERVILLE ADOPTING INTERIM DEFERRAL OF DEVELOPER IMPACT FEES. The motion carried unanimously.

The City Attorney read the ordinance by title only.

Disposition: Approved

30. CONSIDER PARKS & LEISURE COMMISSION STUDIED AREAS FOR THE PROP 84 DEVELOPMENT & COMMUNITY REVITALIZATION PROGRAM STATEWIDE GRANT APPLICATION PROCESS

Recommendation: That the City Council receive the recommendation of the Parks & Leisure Services Commission and provide staff with direction to initiate planning efforts for recommendation of 2 general locations and example types of projects for Council consideration of preparing Prop 84 grant application(s).

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member M.O. 21-040709 Ward that the City Council continue the item to allow more time for the Council to review. The motion carried unanimously.

Disposition: Approved

31. COUNCIL MEMBER REQUEST – STATUS OF EXCHANGE CLUB OF PORTERVILLE’S ANNUAL FOURTH OF JULY COMMUNITY FIREWORKS SHOW

Recommendation: None.

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

City Attorney Lew advised that although Council Member Felipe Martinez did not have a financial conflict of interest, she would recommend that he abstain from the item due to being a board member of the Exchange Club.

- Joe Graves, Springville resident, Fireworks Committee Chair, spoke of decrease in fundraising revenue, measures taken to raise funds, and the costs to put on the event.

Council Member Pedro Martinez spoke in favor of exploring solutions to continue the tradition.

Council Member Ward suggested alternative locations and festivities for the holiday.
Fire Chief Mario Garcia spoke of requirements of the State Fire Marshall’s office that would prohibit fireworks in certain areas. A brief discussion ensued during which alternative locations were explored.

Mayor Hamilton inquired as to whether a $13,000 contribution from the City would be sufficient to put on the show. Vice Mayor McCracken suggested that the City authorize $4,000 to allow more time for fundraising before additional monies are allocated.

A discussion then ensued regarding charging for admission, during which it was explained that money raised on admission would go towards the purchase of the fireworks.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council direct staff to “locate” $13,000, and bring an item to authorize a budget allocation.

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

Disposition: Approved

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Pedro Martinez:
  1. Spoke of an item that he would be requesting in May regarding a self-evaluation of the Council and the Mayorship.
  2. Spoke of the upcoming Easter Egg Hunt on Friday, 10:30 a.m. at Veteran’s Park; and of the Easter Egg Hunt scheduled for Saturday at the Landmark Christian Church.
- Council Member Felipe Martinez announced that Music on Main Street began April 3\textsuperscript{rd}, and advised that a reggae band would be performing on Friday, April 10\textsuperscript{th}.
- Council Member Pedro Martinez spoke of the need for a review of Committee and Commission actions and direction to staff.

ADJOURNMENT
The City Council adjourned at 10:22 p.m. to the meeting of April 21, 2009 at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor