Called to Order at 6:00 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, and 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.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
The City Attorney reported that no action had taken place.

Mayor Hamilton left following Closed Session. In his absence, Vice Mayor McCracken served as Mayor Pro Tem.

Pledge of Allegiance Led by Council Member Felipe Martinez
Invocation – a moment of silence was observed.

PROCLAMATIONS
Porterville Air Attack Base – 50th Anniversary

PRESENTATIONS
Employee of the Month – Linda Wammack
Outstanding Business Presentation
ORAL COMMUNICATIONS

- Barry Caplan, address not stated, spoke in opposition of the resolution passed by the City Council in support of Proposition 8; spoke about the campaign to repeal Proposition 8; and thanked the Council for listening to the comments of those in attendance.
- Marya Innis, 690 Sandra Circle, spoke in support of marriage; stated that she was embarrassed by the Council’s action in support of Proposition 8; and spoke about the hostile environment created in the community and its affect on her students.
- Marilee Davies, 1078 N. Roberta Way, wrote a letter to the Council (read by Maria Ennis) regarding her opposition to the City Council’s resolution of support.
- John Coffee, address not stated, spoke in favor of unity within the community, and expressed concerns with conditions of the streets.
- Brock Neeley, 1750 N. Lotus, expressed concern regarding Council Member Ward’s webpage and possible FPPC and EDCO violations.
- Dr. Catherine Hall, Lindsay resident and pediatrician, spoke about public health concerns relative to prejudice and discrimination against homosexuals; and requested that the Council repeal their resolution of support in Proposition 8.
- Carla (last name inaudible), 384 N. Hockett, spoke in support of the gay community; read letter written by Terry Cruz, 1680 W. McComb, in opposition of Proposition 8 and prejudice in the community.
- Ann Marie Wagstaff, 382 N. Indiana, spoke in support of marriage and families; spoke in opposition of second-class citizenship, activist actions of the City Council, and of the problem of inequality in the community.
- Lois Innis, 1148 W. Glen Court, spoke in support of marriage and stability for all; and advocated a welcoming environment in the community.
- Jessica Mahoney, a Terra Bella resident, spoke in support of the current civil rights movement and of a progressive society.
- Jaime Garza, Porterville resident, Chair of Porterville Lesbian, Gay, Bisexual, Transgender and Questioning, and the Tulare County Chapter Leader for Marriage Equality USA, spoke of the treatment her and her family have received since the Proposition 8 ballot measure was introduced; stated that she was ashamed of the City Council’s action; spoke of the grassroots movement in Tulare County; and requested a public apology from the Council.
- Ivan Ball, 18629 Avenue 268, doctor of theology and retired United Methodist minister, spoke against the condemnation of homosexuals.
- Neil Smith, Smith Enterprises, 55 N. Hockett, expressed concern of the fire danger associated with tumbleweeds between D Street and the railroad tracks, and requested that the City address the issue.

CONSENT CALENDAR

Item 3 was removed for further discussion.

1. CITY COUNCIL MINUTES OF MAY 19, 2009

Recommendation: That the City Council approve the Minutes of May 19, 2009.

Documentation: M.O. 01-060209
Disposition: Approved
2. **CLAIM – MISTY BLOUNT**

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. 02-060209
Disposition: Approved

4. **LEASE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE AIRPORT ENTERPRISE FUND**

Recommendation: That the City Council authorize the Mayor to sign the Resolution and Lease Agreement between the City of Porterville and the Airport Enterprise Fund.

Documentation: Resolution 43-2009
Disposition: Approved

5. **AIRPORT LEASE RENEWAL – LOT 34A**

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Sam Lessley of Porterville, Ca, for Lot 34A at the Porterville Municipal Airport.

Documentation: M.O. 03-060209
Disposition: Approved

6. **AIRPORT LEASE RENEWAL – LOT 34D**

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mrs. Joyce Moody-Flores of Porterville, CA, for Lot 34D at the Porterville Municipal Airport.

Documentation: M.O. 04-060209
Disposition: Approved

7. **AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT 2008/2009 ACTION PLAN FOR USE OF AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS**

Recommendation: That the City Council:

1. Adopt the resolution of approval for the Substantial Amendment to the 2008/2009 Action Plan to allocate $191,221 in CDBG-R funds to the Heritage Center Project for the purpose of construction of the segment of the Rails to Trails from Olive Avenue to the north end of the...
parking lot at the Heritage Center; and
2. Authorize the City Manager to sign the required SF 424 funding application to HUD for these additional funds.

Documentation: Resolution 44-2009; M.O. 05-060209
Disposition: Approved

8. AFFIRM TARGETED AREAS FOR THE NEIGHBORHOOD STABILIZATION PLAN (NSP)

Recommendation: That the City Council affirm staff’s identification of target areas and funding distribution as presented to the County for the Neighborhood Stabilization Program.

Documentation: M.O. 06-060209
Disposition: Approved

9. ADOPT RESOLUTION DECLARING SUPPORT FOR THE SAN JOAQUIN VALLEY ENERGY LEADER PARTNERSHIP

Recommendation: Adopt the Resolution declaring support for the San Joaquin Valley Energy Leader Partnership.

Documentation: Resolution 45-2009
Disposition: Approved

10. HOUSEHOLD HAZARDOUS WASTE RECYCLE-ONLY COLLECTION FACILITY

Recommendation: That the City Council authorize staff to finalize the details of the agreement for future approval by Council.

Documentation: M.O. 07-060209
Disposition: Approved

3. AWARD OF CONTRACT – INDIANA STREET (SOUTH), PROSPECT STREET, AND HENDERSON AVENUE SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:
   1. Award the Indiana Street (South), Prospect Street, and Henderson Avenue Shoulder Stabilization Project base bid to Halopoff and Sons in the amount of $122,548.63;
   2. Authorize progress payments up to 90% of the contract amount; and
   3. Authorize an 8% contingency to cover unforeseen construction costs, and $6,469.48 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 indicated that he was hesitant to award the contract when only one bid was received, and that one bid was higher than the engineer’s estimate. Public Works Director Baldo Rodriguez explained the risks to funding associated with rebidding the project, and stressed the importance of the project.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council award the Indiana Street (South), Prospect Street, and Henderson Avenue Shoulder Stabilization Project base bid to Halopoff and Sons in the amount of $122,548.63; authorize progress payments up to 90% of the contract amount; and authorize an 8% contingency to cover unforeseen construction costs, and $6,469.48 for staff time and construction engineering.

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

Disposition: Approved

The Council recessed for fifteen minutes.

At the Council’s request, Items 13 and 14 were taken next.

SECOND READINGS

13. SECOND READING – ORDINANCE 1754, DEFERRING CERTAIN DEVELOPER IMPACT FEES

Recommendation: That the Council give Second Reading to Ordinance No. 1754, waive further reading, and adopt said Ordinance.

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

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

The City Manager read the ordinance by title only.

Disposition: Approved

14. SECOND READING – ORDINANCE 1755, PROHIBITING MODEL AND REMOTE CONTROLLED AIRCRAFT AT THE PORTERVILLE AIRPORT

Recommendation: That the Council give Second Reading to Ordinance No. 1755, waive further reading, adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No. 1755, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 4-11.35 TO CHAPTER 4, ARTICLE XI, AIRPORT – ILLEGAL ACTIVITIES, OF THE PORTERVILLE MUNICIPAL CODE, TO PROHIBIT MODEL AND RADIO CONTROLLED AIRCRAFT AT OR NEAR THE PORTERVILLE MUNICIPAL AIRPORT, waive further reading, and adopt said Ordinance.

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

The City Manager read the ordinance by title only.

Disposition: Approved

Mayor Hamilton returned to the meeting and resumed his mayoral duties.

PUBLIC HEARINGS

11. CONDITIONAL USE PERMIT 6-2008 (VILLA SIENA) 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 6-2008.

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It was reported that Vice Mayor McCracken, Council Member Felipe Martinez and Mayor Hamilton each had conflicts of interests which had been previously stated for the record. The Mayor participated in consideration of the item by Rule of Necessity.

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

The public hearing opened at 8:17 p.m. Seeing no one, the Mayor closed the public hearing at 8:18 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council adopt the draft resolution approving a one (1) year extension of time for Conditional Use Permit 6-2008.

AYES: P. Martinez, Ward, Hamilton

NOES: None

ABSTAIN: McCracken, F. Martinez

ABSENT: None

Disposition: Approved

12. VACATION OF PORTION OF GARDEN AVENUE

Recommendation: That City Council:

1. Adopt the Resolution of Vacation, including reservations, for a portion of Garden Avenue between Fig Street and the west right of way of the “Rails to Trails” property; and

2. Authorize the City Clerk to record the Resolution of Vacation.

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

The public hearing opened at 8:20 p.m. Seeing no one, the Mayor closed the public hearing at 8:21 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council adopt the Resolution of Vacation, including reservations, for a portion of Garden Avenue between Fig Street and the west right of way of the “Rails to Trails” property; and authorize the City Clerk to record the Resolution of Vacation. The motion carried unanimously.

Disposition: Approved
SCHEDULED MATTERS

15. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget.

Vice Mayor McCracken reported that he had a conflict of interest on the item. City Manager Lollis indicated that a request had been received from the President of the Board of Directors for the Chamber of Commerce to continue the item to June 16th. The Council granted the request, and directed staff to bring the item back for consideration on the 16th of June.

Disposition: Item continued to June 16, 2009.

16. CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2009-2010 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES

Recommendation: That the City Council:
1. Schedule the Fiscal Year 2009-2010 budget study session on June 9, 2009 at 7:00 PM; and

City Manager Lollis introduced the item and presented the staff report. During which he noted that staff was looking to expand gang intervention programmatically, and clarified that it was not a capital program.

The Council briefly discussed the scheduling of the study session, and Mr. Lollis indicated that there would also be discussion about the American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant Monies.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council Schedule the Fiscal Year 2009-2010 budget study session on June 9, 2009 at 6:00 PM; and Schedule the Public Hearing on the Fiscal Year 2009-2010 Budget on June 16, 2009. The motion carried unanimously.

Disposition: Approved

17. COUNCIL MEMBER REQUESTED AGENDA ITEM – PERFORMANCE OF SELF-EVALUATION OF THE CITY COUNCIL

Recommendation: None

City Manager Lollis introduced the item and provided a brief staff report.
Council Member Pedro Martinez spoke of the benefits of team building exercises and reorganizing committee memberships. City Attorney Lew advised that it was possible to conduct team building activities off-site, but whether Brown Act requirements were applicable depended on the type of activity.

Council Members Felipe Martinez, Brian Ward, and Mayor Hamilton spoke in favor of committee membership reorganization.

The Council directed to coordinate team building exercise via memo; and bring back an item regarding committee reorganization (to include list of current committee assignments) at the City Council meeting of July 7th, 2009.

The Council adjourned at 8:42 p.m. to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

**JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA**
**JUNE 2, 2009**

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

**ORAL COMMUNICATIONS**
- Dick Eckhoff, 197 N. Main, spoke in support of keeping eminent domain as a tool to be used as a last resort.

**SCHEDULED MATTER**

**PRA01. CONSIDER A RESOLUTION OF THE PORTERVILLE REDEVELOPMENT AGENCY ESTABLISHING AN EMINENT DOMAIN POLICY AS THAT POLICY PERTAINS TO THE EXISTING AREA AND THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1 AND FINDING THAT A PROJECT AREA COMMITTEE IS NOT REQUIRED FOR THE 2010 AMENDMENT**

Recommendation: That the City Council:


That the Redevelopment Agency:

1. Approve Option 2 and adopt the attached Draft Resolution Establishing an Eminent Domain Policy for existing and added territory as that Policy pertains to the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1;
2. Approve a budget adjustment in the amount of $35,500 from
Redevelopment Fund Balance for additional study and new findings in the existing Redevelopment Project Area; and

3. Find that a Project Area Committee is not required for the 2010 Amendment.

City Manager Lollis introduced the item. Community Development Director Brad Dunlap reported that Vice Chair McCracken was conflicted due to his business residing in the current project area, Chair Hamilton was conflicted due to his business residing in the proposed expanded project area, and Agency Member Felipe Martinez was conflicted in that his business was within 500 feet of the project area. He indicated that Member Felipe Martinez would partake by Rule of Necessity, and Chair Hamilton and Vice Chair McCracken left Council chambers.

Mr. Dunlap presented the staff report, during which he referenced a memorandum provided to the Council with an amended resolution. The revised resolution read as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
REVISING THE OFFICIAL POLICY OF THE CITY REGARDING THE USE OF
EMINENT DOMAIN AUTHORITY BY THE CITY AND THE PORTERVILLE
REDEVELOPMENT AGENCY

WHEREAS: On July 19, 2005, the City Council of the City of Porterville ("City Council") adopted Resolution No. 101-2005 in response to the decision of the United States Supreme Court in Kelo et al. v. City of New London; and

WHEREAS: Resolution No. 101-2005 set forth the policy of the City Council that neither the City Council nor the Porterville Redevelopment Agency ("Agency") would use their powers of eminent domain to condemn private property for economic development purposes; and

WHEREAS: Proposition 99, approved by the voters of the State of California in 2008, amended Article 1, Section 19 of the California Constitution to provide that the "State and local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person," except where such acquisition is "for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; or remedying environmental contamination that poses a threat to public health and safety" or "for the purpose of acquiring private property for a public work or improvement"; and

WHEREAS: The City Council now desires to amend the official policy of the City and Agency regarding the use of eminent domain authority to conform such policy regarding eminent domain to the provisions of the United States Constitution and the Constitution of the State of California, including Proposition 99, as they may be amended from time to time.

NOW, THEREFORE, BE IT RESOLVED:
SECTION 1: The City Council hereby finds and determines that existing conditions of physical and economic blight constitute a threat to the health and safety of the public.

SECTION 2: The City Council further finds and determines that, when other legally available remedies fail to alleviate the threat to the public health and safety caused by physical and economic blight, the exercise of eminent domain may be warranted as an essential tool to eliminate such blighting conditions and protect the public health and safety.

SECTION 3: In order to protect the public health and safety within the City, the City Council hereby amends the official policy of the City and Agency regarding the use of eminent domain authority to conform to the relevant provisions of the United States Constitution and the Constitution of the State of California, including Proposition 99, as they may be amended from time to time.

APPROVED AND ADOPTED this 2nd day of June, 2009.

Council Member Felipe Martinez and Council Member Ward spoke in favor of the use of eminent domain as a last resort.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council adopt the revised draft resolution, amending Resolution 101-2005, adopted by the City Council in 2005.

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

AGENCY ACTION: MOVED by Agency Member Ward, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency approve Option 2 and adopt the proposed Draft Resolution Establishing an Eminent Domain Policy for existing and added territory as that Policy pertains to the Proposed 2010 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project Area No. 1; approve a budget adjustment in the amount of $35,500 from Redevelopment Fund Balance for additional study and new findings in the existing Redevelopment Project Area; and find that a Project Area Committee is not required for the 2010 Amendment.

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

Disposition: Approved, as amended.
The Council adjourned at 9:04 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Donnette Silva Carter, Porterville Chamber of Commerce, 93 N. Main Street, suggested Council paintball competition as fundraising event for mural; reported on efforts relative to SCORE counseling and Business Sustainability Program; reminded those in attendance about the Airshow on June 13th; thanked the City for the invitation to attend the ICSC; and lauded Linda Wammack for her efforts at the ICSC.

**OTHER MATTERS**
- Council Member Ward:
  1. Reported that he attended the new Porterville Nazarene Church dedication; and
  2. Spoke favorably of the Buxton information and its use at the ICSC event in Las Vegas.
- Council Member Felipe Martinez:
  1. Commended Mr. Will Lloyd on a picture taken of the Time Marches on clock during a thunderstorm, and suggested that it be used on the City’s new website; and
  2. Thanked those individuals who addressed the Council during Oral Communications.
- Council Member Pedro Martinez requested that staff look into the cost of printing the agenda face sheets in the Porterville Recorder.
- Mayor Hamilton reported on his activities during the weekend, and noted the Airshow taking place on June 13th and Flag Day on the 14th.
- City Manager Lollis thanked the Council for allowing staff to attend the ICSC in Las Vegas.
- Council Member Pedro Martinez thanked staff for their clean up efforts following the recent storms.

The Council took a five minute recess and reconvened in Closed Session at 9:20 p.m.

**CLOSED SESSION**
- The Council reconvened in Open Session at 9:44 p.m., and reported that no action had been taken.

**ADJOURNMENT**
- The Council adjourned at 9:45 p.m. to the meeting of June 9th, 2009, 6:00 p.m.

______________________________
Luisa Herrera, Deputy City Clerk

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Cameron Hamilton, Mayor