CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
NOVEMBER 3, 2009, 5:30 P.M.

Call to Order
Roll Call

ORAL COMMUNICATIONS
This is the opportunity to address the City Council on any matter scheduled for Closed Session.

CLOSED SESSION:
A. Closed Session Pursuant to:
   8- Government Code Section 54956.9(a) – Conference with Legal Counsel – Prieto et al v. City of Porterville, U.S. District Court, Eastern Dist., Case No. 1:09-CV-01538-AWI (DLB).
   9- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   10- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Four Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice Mayor Brian Ward
Invocation
PROCLAMATIONS
Armed Forces Community Covenant Day – November 11, 2009
America Recycles Week – November 15 – 21, 2009
National Caregivers Month – November 2009

PRESENTATIONS
Employee of the Month – David LaPere

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. City Council Minutes of June 9, 2009

2. Claim – Josephine Hernandez
Re: Considering rejection of claim for $783 for personal injury and property damages sustained when a tree allegedly fell upon claimant’s vehicle as she was driving along the 500 block of Henderson Avenue on April 14, 2009.

3. Claim – Rudy Gonzalez
Re: Considering rejection of claim in the unlimited jurisdiction of Superior Court for excessive force and false arrest of claimant when he was allegedly errantly identified as a gang member due to his attire while attending the Porterville Fair on May 16, 2009.

3a. Budget Adjustment for the 2009-2010 Fiscal Year
Re: Authorizing budget adjustments to account for $2,185,000 in FAA Grant revenue in the Airport Development Fund; a $20,000 appropriation from General Fund Reserves to initiate a Landscape and Lighting Maintenance Districts Consolidation Plan; and a $25,000 appropriation from General Fund Reserves for engineering design plans for off-site improvements relative to the Fairgrounds relocation.

4. Authorization to Advertise for Bids – Bar Screen Replacement and Auger Conveyor Project
Re: Approving staff’s recommended plans and project manual, and authorizing staff to advertise for bids, for the project at the Wastewater Treatment Facility.

5. Authorization to Advertise for Bids – Municipal Pool Complex Water Slide Project
Re: Approving staff’s recommended plans and project manual, and authorizing staff to advertise for bids, for the project consisting of installing a 140-ft length flume water slide and related equipment at the Porterville Municipal Pool.
6. **Award of Contract – OHV (Off Highway Vehicle) Park Improvement Project**  
Re: Awarding contract to Mitch Brown Construction in the amount of $25,298.89 for project consisting of installation of chain link fence, and asphaltic concrete paving at the primary entrance.

7. **Award of Contract – Prospect Street Reconstruction and Concrete Improvements Project**  
Re: Rejecting bid received from Mark Hoffman Gen. Engr. as non-responsive; and awarding contract to Halopoff & Sons, Inc. in the amount of $385,411.44 for the concrete improvement project along Prospect Street between Median Avenue and North Grand Avenue.

8. **Acceptance of Project – Indiana Street, Prospect Street & Henderson Avenue Shoulder Stabilizations**  
Re: Accepting as complete the project consisting of the installation of new curbs, gutters and sidewalks along Indiana St. between Olive Ave. and Roby Ave.; Prospect St. between Olive Ave. and Tomah Ave.; and Henderson Ave. approximately 1,200 ft. east of Plano St.

9. **Award of Airport Dry Farm Lease**  
Re: Awarding three-year lease agreement for $20 per acre to Jeff Sheets Farming for 366.91 acres of farmable land in the vicinity of the Porterville Municipal Airport.

10. **Award of Consulting Service Agreement – Condor Earth Technologies, Inc.**  
Re: Awarding service agreement in an amount of $28,955.50 for cold foam asphalt technology consulting services pertaining to the use of recycled asphalt concrete and base materials.

11. **Amendment of Dee Jaspar and Associates Water Well Design and Inspection Service Agreement**  
Re: Approving an amendment to the Service Agreement to include two additional design components at an agreed fee not to exceed $9,574.

12. **Approval of Transportation Consulting Services Agreements**  
Re: Approving two agreements with TPG Consulting, pursuant to City Council direction on October 20, 2009, for the award of the Short Range Transit Plan, and On-Call Consulting Services.

Re: Approving resolution to correct title to property that was erroneously stated in Resolution 96-2007.

14. **Quarterly Portfolio Summary**  
15. **Street Performance Measure – 1st Quarter Update**  

16. **Code Enforcement Update**  

17. **Attendance Records for Commissions, Boards and Committees – 1st Quarter Update**  

18. **Provision of Cell Phones and Service for City Council Use to Conduct City Business**  
Re: Approving provision of cellular telephones and service for City Council Members to be funded within current budget authorization.

19. **Approval for Community Civic Event – Porterville Ministerial Association – Tree Lighting Ceremony – November 27, 2009**  
Re: Approving annual event consisting of tree lighting and holiday caroling from 4:00 p.m. to 8:00 p.m. at Centennial Plaza.

20. **Approval for Community Civic Event – Barn Theater – “Shabby Chic” Yard Sale – November 28, 2009**  
Re: Approving event to take place from 8:00 a.m. to 4:00 p.m. at the Barn Theater.

21. **Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville – Annual Children’s Christmas Parade – December 3, 2009**  
Re: Approving annual event to take place at 7:00 p.m. on December 3, 2009 along Main Street in Downtown Porterville.

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible*

**PUBLIC HEARINGS**

22. **Vacation of a Portion of Oak Avenue, Ruth Street, Olive Avenue and Public Utility Easement (Porterville Public Cemetery District)**  
Re: Considering approval of the vacation of a portion of Oak Avenue, Ruth Street, Olive Avenue, and Public Utility Easement between Crestview Street and Olivecrest Avenue.

23. **Moorea Manor – Tentative Subdivision Map (Smee Builders, Inc.)**  
Re: Considering approval of Tentative Subdivision Map to divide (in one phase) a 4.30+/-acre parcel into a 16 lot single family residential subdivision for the site located on the east side of Newcomb Street, approximately 300 feet south of Westfield Avenue.

24. **A Public Hearing to Consider Modification or Revocation of Conditional Use Permit 4-2007 (Brickhouse Bar & Grill)**  
Re: Considering modification or revocation of CUP 4-2007.
SCHEDULED MATTERS
25. Annual Review of Development Impact Fees
   Re: Consideration of implementing an annual review and public hearing process for annual
   adjustments made pursuant to the Engineering News Record (ENR).

26. Award of Contract to Christmas Décor by Kaylor for Christmas Decorative Lighting
   Re: Considering options for the award of contract for holiday lighting of the City Christmas
   Tree at City Hall, the Centennial Plaza Gazebo, and along Main Street in Downtown Porterville.

27. Council Member Request – Consideration of Future Process for Appointments to City
    Boards, Commissions, and Committees
   Re: Considering process by which future appointments to City Boards, Commissions, and
   Committees would take place.

ORAL COMMUNICATIONS
OTHER MATTERS

CLOSED SESSION
   Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of November 17, 2009 at 6:00 p.m.

   It shall be the policy of the City Council to complete meetings, including closed sessions, by
   11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you
need special assistance to participate in this meeting, or to be able to access this agenda and documents
in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours
prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this
meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda
packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the
Agenda packet are available for public inspection during normal business hours at the Office of City
Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at
www.ci.porterville.ca.us.