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

Adjourned at 6:01 p.m. to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

Adjourned to a Meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:
   4- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 260-020-014, 245-410-032, and 245-060-023. Agency Negotiator: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville,
Porterville Affordable Housing, Porterville Church of Christ, and Bill and Evelyn Wiggins. 
Under Negotiation: Terms and Price.
5- Government Code Section 54956.8 – Conference with Real Property 
Negotiators/Property: A Portion of APN 251-010-001. Agency Negotiator: John Lollis and 
Jim Perrine. Negotiating Parties: City of Porterville, Kiwanis Club of Porterville and 
6- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency 
Negotiator: John Lollis. Employee Organizations: Porterville City Employees Association, 
Porterville Police Officers Association, Porterville Safety Support Unit, Porterville City 
Firefighters Association, and Porterville Management and Confidential Series.
7- Government Code Section 54956.9(a) – Conference with Legal Counsel – Diana 
Standridge v. City of Porterville et al., Tulare County Superior Court Case No. 08-228418.
8- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated 
Litigation – One Case.
9- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated 
Litigation – Two Cases.

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

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

PROCLAMATIONS
“President’s Own” U.S. Marine Band

PRESENTATIONS
Porterville Branding Committee – “Where the Roads to Success Begin”

ORAL COMMUNICATIONS
• Greg Shelton, 888 North Williford Drive, expressed his interest in being reappointed 
to the Parks & Leisure Services Commission; and requested that the Council impart 
the importance of attendance at some of the events held throughout the year.
• Tom Hughes, local Sears owner, extended an invitation to the Council to attend the 
Grand Opening of his new location on Jaye Street on October 24th at 9:00 a.m.
• Robert “Bob” Levine, a Porterville resident, requested that he be allowed to submit a 
Request for Appointment for the Library Board and/or Parks & Leisure Services 
Commission.
• Don Roper, a Beverly Street resident, voiced concern with the water situation on 
Beverly Street, and requested the Council’s assistance.
• Leticia Lupio, requested that the Council consider her for appointment to the Parks & 
Leisure Services Commission.

CONSENT CALENDAR
Items 2, 3 and 7 were removed for further discussion.
1. CITY COUNCIL MINUTES OF OCTOBER 13, 2009

Recommendation: That City Council approve the minutes of October 13, 2009.

Documentation: M.O. 01-102009
Disposition: Approved

4. AUTHORIZATION TO NEGOTIATE A CONTRACT – TRANSPORTATION CONSULTING SERVICES

Recommendation: That City Council:
1. Approve the award to TPG Consulting, Inc. for the preparation of the Short Range Transit Plan for the sum of Forty-Five Thousand Dollars ($45,000);
2. Authorize progress payments up to 100% of the fee amount; and
3. Authorize staff to proceed with a formal agreement for “On-Call” Consulting Services in compliance with Section 5307 regulations.

Documentation: M.O. 02-102009
Disposition: Approved

5. ACCEPTANCE OF PROJECT – COMMUNITY CENTER PARKING LOT

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. 03-102009
Disposition: Approved

6. PUBLIC IMPROVEMENTS/REIMBURSEMENT AGREEMENT – JAYE STREET CROSSING COMMERCIAL CENTER (JLH PROPERTIES, LLC AND CZEM, PARTNERS LLC)

Recommendation: That the City Council:
1. Review and approve the “Public Improvement/Reimbursement Agreement”; and
2. Authorize the Mayor and City Clerk to execute the “Public Improvement/Reimbursement Agreement”.

Documentation: M.O. 04-102009
Disposition: Approved
8. ADVERTISEMENT – AIRPORT DRY FARM LEASE

Recommendation: Information only.

Documentation: M.O. 05-102009
Disposition: Approved

9. APPROVAL OF PHYSICIAN SERVICES

Recommendation: That the City Council approve Valley Prompt Care for City physician services effective November 1, 2009.

Documentation: M.O. 06-102009
Disposition: Approved

10. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

Recommendation: That the City Council authorize the third Annual Food for Fines Campaign from October 26, 2009 through December 19, 2009.

Documentation: M.O. 07-102009
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1, 4 through 10. The motion carried unanimously.

2. BUDGET ADJUSTMENT FOR 2009-10 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustment, and authorize staff to modify expenditure estimate as described on the proposed schedule.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. He then addressed questions regarding the proposed short-term solution, and funding of the amount out of the Risk Management Fund.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor M.O. 08-102009 Ward that the City Council approve the proposed budget adjustment, and authorize staff to modify expenditure estimate as described on the proposed schedule. The motion carried unanimously.

Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – RECLAMATION ROAD 216 PIPELINE AND WEIR
Recommendation: That the City Council:
1. Authorize the Finance Department to prepare a budget adjustment from Sewer Revolving fees to the 2009/2010 Annual Budget in the amount of $245,315.12 for the Reclamation Road 216 Pipeline and Weir Project;
2. Approve staff’s recommended plans and project manual; and
3. Authorize staff to advertise for project bids.

City Manager Lollis introduced the item, and noted that staff wished to correct an error on the staff report. Public Works Director Baldo Rodriguez noted that the funding source was the Wastewater Treatment Facility Capital Reserve Fund, not the Sewer Revolving Fund as stated in the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize the Finance Department to prepare a budget adjustment from Wastewater Treatment Facility Capital Reserve Funds to the 2009/2010 Annual Budget in the amount of $245,315.12 for the Reclamation Road 216 Pipeline and Weir Project; approve staff’s recommended plans and project manual; and authorize staff to advertise for project bids. The motion carried unanimously.

Disposition: Approved, as amended by staff.

7. FAA GRANT APPLICATION – PORTERVILLE MUNICIPAL AIRPORT

Recommendation: That the City Council approve the grant as presented and authorize the City Manager to submit a grant application for funding consideration to the FAA for the coming grant cycle.

City Manager Lollis introduced the item, and indicated that staff had a late amendment to the recommendation. He indicated that staff had been notified that the Federal Aviation Administration would be putting in 2.2 million dollars in for construction, and staff would be requesting approval to proceed.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council to consider the amended item. The motion carried unanimously.

Airport Manager John Longley updated the Council on his recent communication with the FAA, during which he was informed that the project has been allocated in their budget. He added that the project would require $115,000 in funds from the City of Porterville, and a revision to the Capital Budget.

COUNCIL ACTION: Resolution 92-2009 MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the grant, as amended by staff, and authorize the City Manager to submit a grant
application for funding consideration to the FAA for the coming grant cycle. The motion carried unanimously.

Disposition: Approved, as amended.

PUBLIC HEARINGS

11. WATER CONSERVATION PHASE II – WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Return to Phase I of the Water Conservation Plan; and
2. Continue Phase I water conservation efforts.

The City Manager introduced the item, and the Public Works Director presented the staff report.

At the Council’s request, the Public Works Director clarified that the difference between Phase I and Phase II were the hourly restrictions implemented in Phase II, and added that the Odd/Even Watering Schedule would remain as part of Phase I.

The public hearing opened at 7:34 p.m. Seeing no one, the Mayor closed the public hearing at 7:35 p.m.

Vice Mayor Ward requested that the motion for approval of staff’s recommendation be amended to continue aspects of Phase II with the exception of the hourly restrictions. The amendment was not accepted.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve returning to Phase I of the Water Conservation Plan and continuing Phase I of water conservation efforts. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS

12. APPOINTMENTS TO LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That the City Council:
1. Appoint two interested individuals to the Library Board of Trustees three-year terms, and the third interested individual to the Library Board one-year term; and
2. Appoint four interested individuals to the Parks & Leisure Services Commission four-year terms, and one interested individual to the Parks & Leisure Services Commission two-year term.
The City Manager introduced the item, and the staff report was waived at the Council’s request.

A brief discussion ensued regarding the method by which the vacancies would be filled. A lottery method was suggested, which would consist of drawing from the candidates one name per vacancy.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council use a Lottery method for appointments.

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

The Council decided that the Mayor would draw the names.

The following candidate’s were drawn for the Library Board of Trustees: Robert “Bob” Levine (3-year term), Ellen Nichols (3-year term), and Catherine E. May (1-year term).

The following were drawn for the Parks and Leisure Services Commission: Case Lok (4-year term), Monte Moore (4-year term), Rick Vafeades (4-year term), Leticia R. Lupio (4-year term), and Rocco Calantone (2-year term).

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve appointment for those names drawn.

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

The Council requested that new members be informed of their responsibilities, and thank you letters be sent out to those who were not selected in the draw.

Disposition: Approved

13. PARKS DEVELOPMENT & COMMUNITY REVITALIZATION GRANT PROGRAM THROUGH PROPOSITION 84

Recommendation: That the City Council determine which area to focus efforts for a second Parks Development and Community Revitalization grant application, and authorize a $10,000 budget adjustment from GF Carry-Over for supplemental part-time staff assistance.
The City Manager introduced the item, and Administrative Analyst Michelle Cruz presented the staff report.

Following the report she explained that the areas identified for a second grant application had been selected based on the Community Fact Finder, which took into account median household income, population, and available park space.

Parks and Leisure Services Director Jim Perrine spoke about different types of projects that could qualify as a park according to the State’s definition of a park.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve “North of Highway 190” as the area to focus efforts for a second Parks Development and Community Revitalization grant application, and authorize a $10,000 budget adjustment from GF Carry-Over for supplemental part-time staff assistance. The motion carried unanimously.

Disposition: Approved

14. **AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT 2009/10 ACTION PLAN FOR THE REALLOCATION OF FUNDS FOR ACQUISITION AND INSTALLATION OF THE MURRY PARK POOL WATER SLIDE**

Recommendation: That the City Council adopt the resolution of approval for Amendment No. 1 to the 2009/10 Action Plan to include the allocation of up to $205,000 in CDBG funds from the Business Assistance Program Administration Fund, and the Murry Park Improvement Project for the acquisition and installation of the water slide at the Murry Park Pool.

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

Vice Mayor Ward expressed concern with the proposed use of Business Assistance Program funds. Mr. Dunlap indicated that $100K would be retained for the Business Assistance Program and $45K for the Small Business Revolving Loan Fund. He added that that there were no projects in queue to take advantage of the $76K in funds.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council adopt the resolution of approval for Amendment No. 1 to the 2009/10 Action Plan to include the allocation of up to $205,000 in CDBG funds from the Business Assistance Program Administration Fund, and the Murry Park Improvement Project for the acquisition and installation of the water slide at the Murry Park Pool.
AYES: Hamilton, P. Martinez, F. Martinez, McCracken
NOES: Ward
ABSTAIN: None
ABSENT: None

Disposition: Approved

15. A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

Recommendation: If the City Council wishes to participate in the Proposition 1A Securitization Program, that it should adopt the proposed Proposition 1A Sale Resolution and Purchase and Sale Agreement.

The City Manager 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 Hamilton that the City Council adopt the proposed Proposition 1A Sale Resolution and Purchase and Sale Agreement. The motion carried unanimously.

Disposition: Approved

16. COUNCIL MEMBER REQUESTED AGENDA ITEM – STATUS OF VACANT COMMERCIAL SITES

Recommendation: That the City Council provide appropriate direction to staff.

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

Council Member Hamilton recommended that the Incubator Program focus on the downtown area.

Disposition: No direction given.

17. COUNCIL MEMBER REQUESTED AGENDA ITEM – DISCUSSION ON BEVERLY STREET WATER MAIN PROJECT
Recommendation: That the City Council, after discussing the various issues related to the Beverly Street Water Main Project, provide direction to Public Works as to how to proceed with this or any other water project.

The City Manager introduced the item, and the Public Works Director presented the staff report.

Council Member Hamilton stated that he had been contacted regarding wells that are drying up in the area, and residents that have no water. A discussion ensued about the City’s responsibilities with regard to providing city services for annexed areas, and means of addressing the Beverly Street water issue. Council directed staff to bring back possible solutions as a future agenda item.

Disposition: Staff direction given.

18. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF CITY COUNCIL BENEVOLENCE (“GOOD WORKS”) FUND

Recommendation: None.

The City Manager introduced the item, and Council Member Hamilton asked that the Council consider a dollar amount, so that staff could bring back policy options for consideration. He suggested the amount not exceed $25,000, and a discussion ensued as to whether the Council needed a policy to consider requests from non-profits.

At Council Member Hamilton’s request, City Manager Lollis spoke about the current state of the budget and the Council’s current contingency fund.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve $25,000 for FY 2010/2011 budget, and direct staff to bring back policy options for Council consideration.

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

Disposition: Approved

The Council adjourned at 9:11 p.m. to a Meeting of the Porterville Redevelopment Agency.

REDEVELOPMENT AGENCY MINUTES
October 20, 2009

Roll Call: Agency Member Hamilton, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice Chairman Ward, Chairman McCracken
ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
PRA-01. REJECT ALL BIDS – STOUT BUILDING RE-ROOF PROJECT

Recommendation: That the City Council:
1. Reject all bids; and
2. Authorize staff to re-advertise for bids on the project after receiving an asbestos/lead-based paint survey.

Agency Chair McCracken stated that he was within 500 feet of the Stout Building, recused himself, and left the Council Chambers. The staff report was waived at the Council’s request. Staff requested that staff be allowed to look into using foam as an option for the roof and bring a proposal back to the Council.

AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Member Felipe Martinez that the Redevelopment Agency approve the rejection of all bids; and direct staff to look into foam as an option for the roofing project and bring back for Council consideration.

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

Disposition: Approved, as amended.

Chair McCracken returned to the Council Chambers to disclose that he had a conflict. Staff indicated that Members Hamilton and Felipe Martinez also had conflicts of interest, but that Agency Member Martinez would remain per rule of necessity.

PRA-02. CONSIDER RESOLUTIONS OF THE PORTERVILLE REDEVELOPMENT AGENCY AND CITY OF PORTERVILLE PLANNING COMMISSION, EACH TAKING CERTAIN ACTIONS RELATED TO MODIFICATIONS OF THE PREVIOUSLY PROPOSED ADDED TERRITORY BOUNDARIES FOR THE PROPOSED 2009 AMENDMENT TO THE REDEVELOPMENT PLAN RELEVANT TO THE PORTERVILLE REDEVELOPMENT PROJECT AREA NO. 1, AND TO THE PRELIMINARY PLAN PREPARED THEREFORE

Recommendation: That the Porterville Redevelopment Agency and City of Porterville Planning Commission:
1. As appropriate, adopt the draft resolutions taking certain actions to modify the Previously Proposed Added Territory Boundaries for the Proposed 2009 Amendment to the Redevelopment Plan for the Porterville
Redevelopment Project Area No. 1, and to the Preliminary Plan Prepared therefore, and related matters.

The Agency Secretary introduced the item, and Community Development Director Dunlap presented the staff report.

**AGENCY ACTION:** MOVED by Agency Member Felipe Martinez, SECONDED by Vice Chair Ward that the Redevelopment Agency approve the resolution directing that the Planning Commission consider and approve the proposed Added Territory modifications, determine that the modifications will not affect the textual context of the Preliminary Plan and that said textual context remains true and correct, approves a modified Preliminary Plan, and amends the title of the Amendment from the “2009 Amendment” to the “2010 Amendment”.

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

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Ward that the City Council, acting as the Planning Commission approve the resolution modifying the Added Territory boundaries, and approving a modified Preliminary Plan.

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

**AGENCY ACTION:** MOVED by Agency Member Felipe Martinez, SECONDED by Vice Chair Ward that the Redevelopment Agency approve the resolution accepting the modified Added Territory boundaries.

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

Disposition: Approved

The Redevelopment Agency adjourned at 9:20 p.m. to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Donnette Silva Carter, Chamber of Commerce, invited the Council to the Annual
Awards and Installation Banquet to be held on November 7th; and commended the City and specifically Michelle Cruz for work on the sold-out Paranormal Conference recently held in Porterville.

- Renee Curtly, 1720 W. Westfield, voiced discontent with the water situation on Beverly Street and the City’s response thereto.

OTHER MATTERS
- Council Member Pedro Martinez spoke of the Central California Family Crisis Center’s Candlelight Vigil recently held, noting the annual event was well-attended.
- Council Member Hamilton lauded Council Member Martinez for his Master of Ceremonies and translation work at the Candlelight Vigil.
- Vice Mayor Ward 1) spoke of the Miss Porterville Pageant, commenting on the talent of the contestants and advising that Lindsay Ames had been crowned Miss Porterville; 2) thanked Police Chief McMillan for getting out in the community and speaking with local service clubs, most recently Rotary; and 3) advised that his wife was sworn in as an American citizen on Monday.

The Council recessed for 10 minutes at 9:31 p.m. and reconvened in Closed Session.

CLOSED SESSION
The Council reconvened in Open Session and reported the following:

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor McCracken that the City Council authorize settlement in the amount of $10,000 in the matter of Diana Standridge v. City of Porterville et al., Tulare County Superior Court Case No. 08-228418.

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

Disposition: Approved

ADJOURNMENT
The Council adjourned at 10:30 p.m. to the meeting of November 3, 2009 at 6:00 p.m.