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

ORAL COMMUNICATIONS
None

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

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 – one individual participated.

PROCLAMATIONS
Exchange Club of Porterville Month – February, 2009

PRESENTATIONS
- Employee of the Month – Annamarie Olson
- East County Mosquito Abatement Study Steering Committee
- Presentation of Will Lloyd’s Video of Murry Park Restroom Project
- Mayor’s State of the City Address

**ORAL COMMUNICATIONS**

- Greg Shelton, 888 North Williford Drive, requested that the Council afford him the opportunity to speak on Items 15, 20 and 24.
- Steve Penn, requested the Council’s assistance with regard to his attempts to proceed with a proposed equipment yard at 952 West North Grand Avenue. Mayor Hamilton requested that Mr. Penn meet with City Manager Lollis and Deputy City Manager Dunlap to discuss the matter.
- (Name inaudible) voiced concern with the abundance of employee and patient vehicles illegally parked in the vicinity of Prospect and Halsey near the Family Healthcare Network. He spoke of safety issues, of multiple calls to P.D. for enforcement, and requested that the City address the situation. Staff noted the parking challenges due to the current construction project, and advised that the subject building was a county address, yet the City had jurisdiction over the roadway. Mayor Hamilton requested that staff look into the feasibility of a Park & Ride.
- Dick Eckhoff, business address at 197 North Main Street, invited all to attend the 47th Annual City of Hope Spectacular scheduled for February 28th at the Buck Shaffer Auditorium; advised of a faulty sewer lid in the vicinity of Save Mart near Division Street; and thanked the Council and staff for the progress in the Mill Parking Lot Reconstruction Project.
- Novroz Ali Rahim, owner of Frank’s Stop N Go, spoke in favor of Item 8 and advised he was available to answer any questions that the Council might have.

**CONSENT CALENDAR**

Item Nos. 12, 12a, and 15 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF JANUARY 6, 2009**

   **Recommendation:** That the City Council approve the Minutes of January 6, 2009.

   **Documentation:** M.O. 01-020309
   **Disposition:** Approved

2. **CLAIM – HUGO MARTINEZ**

   **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. 02-020309
   **Disposition:** Approved

3. **CLAIM – GEORGE VERDUGO**
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. 03-020309
Disposition:  Approved

4.  AUTHORIZATION TO RE-ADVERTISE FOR BIDS – FIRE STATION NO. 2 CLASSROOM BUILDING HVAC

Recommendation:  That City Council:
1.  Approve staff’s amended Estimate of Probable Cost; and
2.  Authorize staff to re-advertise for bids on the project.

Documentation:  M.O. 04-020309
Disposition:  Approved

5.  ACCEPTANCE OF PROJECT – ROCHE SEWER PROJECT – MORTON AVENUE (ROCHE SCHOOL TO HENRAHAN STREET)

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. 05-020309
Disposition:  Approved

6.  ACCEPTANCE OF PROJECT – FIRE STATION NO. 2 (SEWER CONNECTION) PROJECT

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. 06-020309
Disposition:  Approved

7.  ACCEPTANCE OF PROJECT – PARK PLAYGROUND REPLACEMENTS

Recommendation:  That the City Council accept the project as complete.

Documentation:  M.O. 07-020309
Disposition:  Approved
8. AUTHORIZATION TO ENCROACH INTO CITY RIGHT OF WAY - FRANK'S STOP N' GO MARKET

Recommendation: That City Council:
   1. Accept the Encroachment Agreement as written;
   2. Authorize the Mayor to sign the agreement; and
   3. Authorize the City Engineer to process a formal vacation of the right of way and Quitclaim Deed relinquishing City rights of the remnant parcel to Mr. Rahim.

Documentation: M.O. 08-020309
Disposition: Approved

9. ABANDONMENT OF HENDERSON AVENUE PIONEER IRRIGATION PIPE & AGREEMENT ON USE OF MULLER FIELD

Recommendation: That the City Council:
   1. Approve the attached draft resolution regarding an agreement between the City of Porterville and the Pioneer Water Company;
   2. Authorize the Mayor to execute the agreement; and
   3. Direct the Public Works Director to present and request proper execution of said agreement by the PWC Board and/or its appointed representative.

Documentation: Resolution 10-2009
Disposition: Approved

10. STREET PERFORMANCE MEASURE – 2ND QUARTER UPDATE

Recommendation: For information only.

Documentation: M.O. 09-020309
Disposition: Approved

11. CODE ENFORCEMENT UPDATE

Recommendation: For information only.

Documentation: M.O. 10-020309
Disposition: Approved

13. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.
14. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 2, 2009

Recommendation: That the Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, Sidewalk and Parking Lot Closure/Usage, Map, Exhibit A, outside amplifier permit, Exhibit B and Exhibit C.

Documentation: M.O. 12-020309
Disposition: Approved

16. SEAFOOD CAFÉ/EL REVENTON UPDATE

Recommendation: For information only.

Documentation: M.O. 13-020309
Disposition: Approved

17. REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY


Documentation: M.O. 14-020309
Disposition: Approved

18. INFORMATIONAL UPDATE OF ‘WALL OF FAME’ HONOREES

Recommendation: For information only.

Documentation: M.O. 15-020309
Disposition: Approved

19. ANIMAL CONTROL SERVICE UPDATE

Recommendation: For information only.

Documentation: M.O. 16-020309
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council approve Items 1 through 11, 13, 14, and 16 through 19.
AYES: McCracken, P. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: None
ABSENT: F. Martinez

The Council next considered Items 12 and 12a concurrently.

12. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the interim financial status reports and grants summary report as presented.

City Manager Lollis introduced Item 12, and the staff report was waived at the Council’s request.

With regard to Items 12 and 12a, Council Member Ward requested that staff identify revenue above 65% or below 35% of projection with color, and identify expenditures above 50% of projection in orange or red on future semi-annual reports.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council accept the interim financial status reports and grants summary report as presented.

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

Disposition: Approved

12a. FY2008-2009 MID-YEAR GENERAL FUND BUDGET REVIEW

Recommendation: That the City Council accept the Mid-Year General Fund Budget Report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council accept the Mid-Year General Fund Budget Report as presented.

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

Disposition: Approved

15. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND
Committees – 2nd Quarter Update

Recommendation: For information only.

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

- Greg Shelton, address on record, came forward to defend his attendance record as a member of the Parks & Leisure Services Commission.

Council Action: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council accept the attendance report for City Commissions, Boards and Committees as presented.

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

Disposition: Approved

The Council recessed for five minutes.

Public Hearings

20. REQUEST FOR MODIFICATION TO CONDITIONAL USE PERMIT 9-2007 (MR. IQBAL SINGH – FRIENDLY LIQUOR)

Recommendation: That the City Council:

1. Authorize Alternative 1; “Approve the applicant’s request for modification to the CUP and require the applicant paint the canopy panel of similar materials, colors, stucco and stone veneer finishes as per applicants proposal within a month period or per councils determination upon adopted resolution; and

2. Adopt draft resolution approving modification #1 to Conditional Use Permit 9-2007, subject to conditions of approval.

City Manager Lollis introduced the item, and Associate Planner Jose Ortiz presented the staff report.

The hearing opened to the public at 8:26 p.m.

- Greg Shelton, address on record, spoke in favor of the item.

- George Verdugo, contractor, spoke about the installation of the canopy.

- Martha Alcazar Flores, 249 S. Indiana, spoke in favor and requested Council support of small businesses.
Gary Weaver, 1210 Lotas Way, spoke in favor of a compromise.

Dick Eckhoff, 197 N. Main, voiced concern with a pattern of non-compliance.

Vice Mayor McCracken inquired about the Council’s vote on October 16, 2007. Chief Deputy City Clerk Patrice Hildreth reported that the Council had unanimously approved Conditional Use Permit 9-2007. He then expressed concern with the changes made to the plans after the Council approved the conditional use permit.

Gary Weaver, address on record, on behalf of the applicant, provided clarification on modifications to the approved plan.

Community Development Director Brad Dunlap provided background regarding the site plan approval.

Mayor Hamilton and Council Member Ward stated that they shared the Vice Mayor’s concerns regarding non-compliance.

Council Member Pedro Martinez spoke in favor of growth and beautification of the area.

Mayor Hamilton suggested imposing a penalty on the applicant.

Vice Mayor McCracken made a motion to deny the request for modification to Conditional Use Permit 9-2007. The motion died for lack of a second.

Avtar Singh, on behalf of the applicant, spoke in opposition of punishment or penalty.

**COUNCIL ACTION:**

Resolution 11-2009

MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the City Council Authorize Alternative 1; “Approve the applicant’s request for modification to the CUP and require the applicant paint the canopy panel of similar materials, colors, stucco and stone veneer finishes as per applicants proposal within a month period or per councils determination upon adopted resolution; and adopt draft resolution approving modification #1 to Conditional Use Permit 9-2007, subject to conditions of approval.

AYES: P. Martinez, Ward, Hamilton

NOES: McCracken

ABSTAIN: None

ABSENT: F. Martinez

Disposition: Approved

The Council recessed for five minutes.

**SCHEDULED MATTERS**
21. NEIGHBORHOOD STABILIZATION PROGRAM – JOINT POWERS AGREEMENT WITH TULARE COUNTY

Recommendation: That the City Council:

1. Adopt the draft resolution approving participation in the Joint Powers Agreement with the County of Tulare and the Cities of Dinuba, Farmersville and Tulare for the purpose of distributing the Neighborhood Stabilization Program funds;
2. Authorize the Mayor to execute the agreement; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the County of Tulare to participate in the Neighborhood Stabilization Program in accordance with the requirements of the California Department of Housing and Community Development.

City Manager Lollis introduced the item, and Development Associate Denise Marchant presented the staff report. During her presentation she informed the Council that there had been revisions to the State’s allocation, and as a result the allocation for Porterville had increased to just over $700,000.

Vice Mayor McCracken requested that the numbers in the proposed agreement be updated to reflect the reported changes in allocation.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Hamilton that the City Council adopt the draft resolution approving participation in the Joint Powers Agreement with the County of Tulare and the Cities of Dinuba, Farmersville and Tulare for the purpose of distributing the Neighborhood Stabilization Program funds; authorize the Mayor to execute the agreement, as amended to include the updated allocation amounts; and authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the County of Tulare to participate in the Neighborhood Stabilization Program in accordance with the requirements of the California Department of Housing and Community Development.

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

Disposition: Approved

22. CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN
Recommendation: That the City Council:
1. Adopt the 2009 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, and John Dennis and Rebecca Vigil to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

City Manager Lollis introduced the item, and Associate Planner Marchant presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council adopt the 2009 Citizen Participation Plan; and appoint existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, and John Dennis and Rebecca Vigil to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

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

Disposition: Approved

23. RE-VISITING CITY’S SEWER CONNECTION POLICY

Recommendation: That the City Council:
1. Direct the Sewer Connection Policy Committee to meet again and formulate options that address the full range of issues affecting home owners with failing septic tanks and property owners of vacant lots that lie outside 1,320’ from the nearest sewer mains; and
2. Direct the Sewer Connection Policy Committee to present its findings and recommendations to the full Council no later than March 17, 2009.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report. Following the staff report it was determined that Council Member Ward had a conflict of interest due to residing in a recently annexed area on a property that utilized a septic tank. He recused himself and left the Chambers.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the City Council direct the Sewer Connection Policy Committee to meet again and formulate options that address the full range of issues affecting home owners with failing septic tanks and property owners of vacant lots that lie outside 1,320’ from the nearest sewer mains; and direct the Sewer Connection Policy Committee to present its findings and recommendations to the full Council no later than March 17, 2009.
AYES: P. Martinez, Ward, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: F. Martinez

Disposition: Approved

24. COUNCIL MEMBER REQUEST – INFORMATION CONCERNING CERTAIN TERMS OF AGRICULTURAL MANAGEMENT AGREEMENT FOR RECLAMATION AREA MANAGEMENT COST RECOVERY PROGRAM

Recommendation: Information provided at Council Member’s request.

City Manager Lollis introduced the item, and City Attorney Julia Lew presented the staff report.

Council Member Ward requested a committee with Council participation be formed to evaluate the current agreement and options for improvement.

A brief discussion ensued with regard to revenue projections for 2008/2009, and staff was directed to provide the Council with a report addressing the projected $140,000 loss in revenues.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Ward
M.O. 21-020309 that the City Council appoint Council Members Ward and Felipe Martinez to an ad hoc committee to review the current agreement to determine if improvements can be made, and report the findings to the Council.

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

Disposition: Approved

20. RECONSIDERATION OF ITEM 20

Council Member Pedro Martinez requested that Item No. 20 be reconsidered to review the penalty option. He spoke in favor of consistency and recounted past Council action relative to conditional use permit violations.

City Attorney Lew advised that the item should be brought back at the next meeting seeing as the applicant had already left.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council direct staff to re-notice the public hearing for reconsideration with regard to the imposition of a penalty via potential temporary closure of business.
AYES: McCracken, P. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: None
ABSENT: F. Martinez

Disposition: Approved

ORAL COMMUNICATIONS
- Greg Shelton, address on record, spoke against the City’s Agricultural Management Agreement (Item 24), asserting egregious negligence if the City continued with the current contract.
- Rick Perigos, spoke against continuing the current Agricultural Management contract and voiced support for proceeding with an RFP. He suggested that the Council look at yields posted on the UC Davis website to determine the competency of the current farm manager.

OTHER MATTERS
- Council Member Ward: 1) requested that a review of the City’s Bike Plan, specifically with regard to connecting the east and west sides of town, to which staff confirmed that an item would be on the next agenda; and 2) requested that the topic of concrete improvements be added to the agenda of the next City/School Committee meeting. Public Works Director Rodriguez spoke of an upcoming deadline for safe routes to school funds.
- Council Member Pedro Martinez: 1) updated the Council on the recent City Selection Committee Meeting for the San Joaquin Valley Air Pollution Control District on which he represents the City, advising that the Committee chose a rotational based City representation on the District; 2) requested that a representative from P.D. be present at the upcoming Monday meeting with the Student Councils to discuss Neighborhood Watch; and 3) spoke of a Youth Voice Conference scheduled for March 13 and indicated that he would be requesting an agenda item for co-sponsorship.
- Mayor Hamilton spoke of the recent passing of Tulare Chamber of Commerce CEO Jennifer McCoun and requested that the City send flowers. City Manager Lollis confirmed the Mayor’s request and advised of a memorial service scheduled in Ms. McCoun’s honor to be held at the Tulare Heritage Center on February 21st.

ADJOURNMENT
The Council adjourned at 10:17 p.m. to the meeting of February 17, 2009 at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor