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, and Mayor Hamilton

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 – Three Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported on the following action:

A. Closed Session Pursuant to:

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve approved an amendment to
the extension of time for Airport Industrial, LLC to obtain a building permit extending the time period until June 30, 2010; and an amendment to the Repurchase Option for Airport Industrial, LLC to change the commencement date to July 1, 2010 and that the Repurchase Option will remain in effect until June 30, 2013. The motion carried unanimously.

Disposition: Approved

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – a moment of silence was observed.

PROCLAMATIONS
“Iris Festival Day” – April 25, 2009
“Cinco De Mayo Week” – May 1–5, 2009

PRESENTATIONS
City Manager’s Featured Project – Acquisition of Fire Quick Attack Unit – Engine 371
Youth Committee Presentation on the Youth Voice Conference
VIEW Energy Partnership
Boys & Girls Club of Porterville

ORAL COMMUNICATIONS
• Jim Podergois, owner of The Mint, requested that the City Council consider amending the Municipal Code to increase the number of card tables allowed in the City.
• Nikki Edwards, 13096 Road 208, came forward on behalf of P.A.R.T. (“Porterville Animal Rescue Team”); thanked the City Council for approving the Porterville Animal Control Program; spoke of the challenges; requested that the permanent shelter be placed on the fast track; and requested support for a policy to require spaying and neutering prior to adoption.
• Gail (last name inaudible), inquired as to the licensing of animals.
• Dick Eckhoff, business address of 197 N. Main Street, 1) spoke in favor of the efforts of staff regarding animal control and agreed for the need to fast track the permanent animal shelter; 2) regarding Item 19, noted the lack of school opposition to alcohol license requests that come before the Council, and spoke in favor of allowing the market to regulate the matter; 3) regarding Item 4, suggested that the Council should have only approved $4,000, and commented that perhaps the previous Agenda should have provided more information. Mr. Eckhoff then proposed an annual consideration of potential funding for various local events.
• Geri Guinn, spoke of the contributions the Boys & Girls Club have made to the Porterville Community, and of the positive influence its activities has on children.
• Rocko (last name inaudible), 2027 W. Nancy Avenue, voiced frustration with his inability to reach Public Works staff regarding his recent water shut-off. At the Mayor’s request, staff assisted him.
• Barry Caplan, 1) voiced support for P.A.R.T. and animal control; 2) suggested that the problem of dogs at large contribute to the lack of cycling activities in the
community; 3) regarding Item 4, voiced concern that the item was on Consent Calendar, and requested that it be moved to Scheduled Matters and suggested that the Council’s action at the previous meeting on the item was likely due to the last minute request by the Exchange Club, which was unfair to the Council.

- Boyd K. Leavitt, requested that the Council reduce the UUT tax from 6% to 5% in light of the hard economic times.
- Martha Alcazar Flores, 249 South Indiana, 1) regarding Item 4, commented that more information should have been provided prior to Council action at the previous meeting, and suggested in the name of fairness, if one non-profit is supported, all should have an equal opportunity; and 2) spoke of efforts to establish the Youth Services Foundation in recent years and suggested that Council Member Pedro Martinez should look at that through the Youth Commission.

**CONSENT CALENDAR**

Item Nos. 1, 4, 6, 7 and 9 were removed for further discussion.

2. CLAIM – RUDY P. BELTRAN

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. 02-042109
Disposition: Approved

3. CLAIM – RICHARD HOLIFIELD

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. 03-042109
Disposition: Approved

5. AWARD OF CONTRACT – OHV (OFF-HIGHWAY VEHICLE) PARK SPECTATOR AWNING PROJECT

Recommendation: That the City Council:
1. Award the OHV Spectator Awning Project to Webb & Son in the amount of $28,491.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-042109
Disposition: Approved
7a. UPDATE ON CNG SHOP UPGRADE AND AUTHORIZATION TO EXPAND CNG FACILITY

Recommendation: That the City Council:
1. Authorize the Transit Manager to amend TPG’s contract to provide “Shop Upgrade” preliminary plans and specifications at a not to exceed $20,000;
2. Direct the Transit Manager to pursue additional funding (approximately $75,000) in the form of CMAQ or other grants to supplement the $101,600 FTA grant so that the Mechanic Shop can be upgraded compliant with 2007 California Building Code (CBC) and Fire Code for CNG vehicle maintenance use;
3. Direct the Public Works Director to secure funding from the Equipment Replacement Fund, specifically, to secure equipment replacement funds (approximately $75,000) from those vehicles that will be replaced with CNG vehicles;
4. Authorize the Public Works Director to augment TTS Construction’s (CNG Facility Contractor) contract in the amount of $26,996.55 to add five additional time fill stations;
5. Authorize the Public Works Director to augment TTS Construction’s contract in the amount of $21,777.36 to install a fully automated “card swipe” reading system that will identify and record the user of these new facilities; and
6. Instruct the Public Works Director to pay for items 4 and 5 from the 9% contingency authorized on October 21, 2008.

Documentation: M.O. 05-042109
Disposition: Approved

8. CONSIDER LETTER OF SUPPORT FOR APPOINTMENT OF DR. KARL LONGLEY TO THE STATE WATER QUALITY CONTROL BOARD

Recommendation: That the City Council authorize the Mayor to sign the draft letter and submit it to Governor Schwarzenegger.

Documentation: M.O. 06-042109
Disposition: Approved

10. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION IN THE POLICE DEPARTMENT –SHELTER SUPERVISOR

Recommendation: That the City Council adopt the draft resolution authorizing a change in the Table of Organization in the Police Department, to add a Animal Shelter Supervisor classification at salary range 191 ($4,405-$5,376).
11. RETENTION AND DESTRUCTION OF DESIGNATED RECORDS IN ACCORDANCE WITH THE CALIFORNIA SECRETARY OF STATE LOCAL GOVERNMENT RECORDS MANAGEMENT GUIDELINES

Recommendation: That the Council adopt the draft resolution, A Resolution of the City Council of the City of Porterville Providing for the Retention and Destruction of Designated Records in Accordance with the California Secretary of State Local Government Records Management Guidelines.

Documentation: Resolution 29-2009
Disposition: Approved

12. APPROVAL FOR COMMUNITY CIVIC EVENT – ANNUAL PORTERVILLE FAIR – MAY 13-17, 2009

Recommendation: That the City Council:
   1. Approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A”; and
   2. Approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 13-17, 2009.

Documentation: M.O. 07-042109
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve Item Nos. 2, 3, 5, 7a, 8, and 10 through 12. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF FEBRUARY 3, 2009

Recommendation: That the City Council approve the Minutes of February 3, 2009.

City Manager Lollis introduced the item, and Council Member Felipe Martinez indicated that he would be abstaining from the item due to his absence from the meeting.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve the Minutes of February 3, 2009.
AYES: McCracken, P. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: F. Martinez
ABSENT: None

Disposition: Approved

4. **RATIFICATION OF BUDGET ADJUSTMENT IN SUPPORT OF FOURTH OF JULY COMMUNITY FIREWORKS SHOW AND CONSIDERATION OF ALTERNATIVE EVENT SITES**

Recommendation: That the City Council ratify the proposed budget adjustment with expenditure from the Community Promotions budget with funding from unallocated General Fund Reserves.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Felipe Martinez recused himself due to being an Exchange Club Board Member and exited the chambers.

City Manager Lollis stated that the City of Porterville had received written correspondence from the Exchange Club indicating that they would not be accepting financial support from the City, and that the fireworks show would remain cancelled.

City Attorney Lew advised the Council to make a motion to decline to appropriate any funds.

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Ward that the City Council not appropriate funds.

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

Mayor Hamilton expressed disappointment in the reporting by the Porterville Recorder, stating that it was a disservice to the City Council and the City of Porterville.

Council Member Pedro Martinez stated that he had initially requested the item be considered, and that he hoped a funding source could be identified.

Council Member Ward indicated that he shared Mayor Hamilton’s disappointment.

Disposition: Approved

6. **AWARD OF PURCHASE ORDER FOR LEISURE UPDATE PRINTING**
Recommendation: That the City Council authorize the issuance of a purchase order and payment to the Porterville Recorder for the annual Parks and Leisure Services ‘Leisure Update’.

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

Council Member Ward pointed out that there was only one responsive bid received, and inquired about competitive bidding. City Attorney Lew advised that the one responsive bid was sufficient, but that the Council had the authority to reject all bids and request a re-bid.

Parks & Leisure Services Director Jim Perrine addressed questions regarding the distribution frequency and cost of the mailers. A discussion then ensued regarding the time required to rebid and its effect on the distribution schedule.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council reject the bid for the Leisure Update printing and rebid.

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

Disposition: Approved

7. AUTHORIZATION TO NEGOTIATE NEW INTERIM FARM MANAGEMENT AGREEMENT

Recommendation: That the City Council:
1. Direct the Public Works Director to negotiate an Interim Farm Management Agreement with Jeff Sheets;
2. Instruct the Public Works Director to revise, modify or otherwise adapt the existing Farm Management Agreement to the changing circumstances;
3. That changes to the agreement maintain the same level of service as was required in the existing Farm Management Agreement and that the financial compensation remain the same or less than as stipulated in the original Farm Management Agreement; and
4. That the City Council authorize the Mayor to execute the new “Interim Farm Management Agreement”.

City Manager Lollis introduced the item, and indicated that staff had recommended there be no action on the item.

Disposition: No action required.
9. ANIMAL CONTROL SERVICES UPDATE

Recommendation: This agenda item is for informational purposes and no specific action is requested.

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

Council Member Pedro Martinez lauded the efforts of Rick Cooksey and Dawn Sepulski.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council accept the informational report as presented. The motion carried unanimously.

Disposition: Approved

SECOND READING

13. ORDINANCE 1751 – KEEPING OF RACING, HOMING, AND SPORTING PIGEONS

Recommendation: That the City Council give Second Reading to Ordinance No. 1751, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council give Second Reading to Ordinance No. 1751, waive further reading, and adopt said ordinance, 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

14. UPDATE – CALIFORNIA INFRASTRUCTURE & ECONOMIC DEVELOPMENT BANK WATER IMPROVEMENT LOAN

Recommendation: None, information only.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report.
Council Member Pedro Martinez inquired about an increase in fees relative to pursuit of the loan. A discussion ensued regarding developer impact fees and customer rate fees and the types of improvements each are allowed to fund. The City Attorney explained that developer impact fee monies were to be used for growth related projects, while customer fee monies were to be used for maintenance and improvements of the existing system.

Public Works Director noted that the water rates were last raised in 1996.

Disposition: No action required.

15. 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 the 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 Parks & Leisure Services Director Perrine presented the staff report.

Council Member Ward inquired about the possibility of speaking with the County about applying for a project that may be within a County pocket that is slated to be annexed in the future. City Manager Lollis indicated that a joint application with the County or another agency could be filed, and that option would be explored.

Council Member Felipe Martinez spoke about the importance of improving blighted areas.

City Council lauded the efforts of the Parks & Leisure Services Commission in identifying options for the Council’s consideration.

Mayor Hamilton inquired about the area of Mulberry and Indiana, and staff indicated that the area could be evaluated. A brief discussion ensued with regard to the criteria relative to school sites, and land acquisition as a component of a project. Mayor Hamilton then requested that the area near Lion’s Park also be reviewed for eligibility.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council direct staff to move forward with the process relative to Option 1, Olive Street School (Date and Villa).

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: Ward
ABSTAIN: None
The Council then directed staff to look into the areas of Mulberry & Indiana, and near Lion’s Park in addition to others.

Disposition: Approved

16. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: That the Council adopt a resolution approving the application for State Off-Highway Vehicle Grant Funds.

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt a resolution approving the application for State Off-Highway Vehicle Grant Funds. The motion carried unanimously.

Disposition: Approved

17. ADOPTION OF IDENTITY THEFT PREVENTION PROGRAM

Recommendation: That the City Council approve the draft resolution adopting the Identity Theft Prevention Program.

City Manager Lollis introduced the item, and Finance Director Bemis presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the draft resolution adopting the Identity Theft Prevention Program. The motion carried unanimously.

Disposition: Approved

18. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF FORMATION OF A MOSQUITO ABATEMENT DISTRICT

Recommendation: None.

City Manager Lollis introduced the item, and provided a brief staff report.

Mayor Hamilton spoke of the need for a survey to determine interest in drawing up a district.
Vice Mayor McCracken spoke about the costs associated with the survey and indicated that he did not see enough interest in the community to warrant moving forward.

The Council concurred that there should be no action on the item.

Disposition: No action taken.

19. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF CITY’S POLICY REGARDING THE PERMITTING AND UPGRADING OF ALCOHOL LICENSES

Recommendation: That the City Council direct staff on how to proceed.

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

Council Member Pedro Martinez requested that the Council consider formulating a policy based on Census Tract for all alcohol licenses.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Vice Mayor McCracken that the City Council appoint Council Members Felipe and Pedro Martinez to an ad hoc committee to look at formulating a policy regarding the permitting and upgrading of alcohol licenses.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Mayor Hamilton that the City Council appoint Council Member Pedro Martinez and Council Member Ward to an ad hoc committee to look into formulating a policy.

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

Disposition: Ad hoc committee formed.

ORAL COMMUNICATIONS

- Greg Shelton, 888 North Williford Drive, spoke of the thought process behind the Parks & Leisure Services Commission’s recommendations with regard to Item 15, and spoke against limiting the selection to two additional project areas.
• Barry Caplan, voiced concern with the Mayor’s comments and actions during Item 4, particularly as it related to bloggers. He suggested that the Mayor singled him out and thereby caused a chilling effect on his right to comment publicly. Mayor Hamilton clarified that he had not been referring to Mr. Caplan. A brief exchange next ensued with regard to whether a public official had a duty to read all emails.

• Dick Eckhoff, address on record, 1) inquired as to what the Council decided on Item 15; 2) suggested that the Council had the right to read or not to read any emails; 3) commented on the cancellation of the Fireworks Show; and 4) voiced concern with the decision to re-bid the printing in Item 6.

**OTHER MATTERS**

• Council Member Pedro Martinez 1) requested that a letter be sent from the Council to the Exchange Club thanking them for 45 years of sponsoring the Fireworks Show; and 2) expressed an interest in bringing some youth to a legislative conference. Staff advised that the League of California Cities had a program for youth to attend the League’s Annual Conference.

• Council Member Felipe Martinez updated the Council on the efforts of the California Latino Water Coalition and of its recent march and rally, and thanked the Council for supporting his participation.

• Council Member Ward inquired as to whether Council Member Pedro Martinez wished to proceed with formally creating the Youth Commission. Council Member Martinez advised that he was working with the local schools to first amend their By-Laws.

• Mayor Hamilton 1) spoke of the Fishing Derby that weekend and thanked Parks & Leisure Services staff for their hard work; 2) spoke of the Dedication of the Battlefield Cross held at Veteran’s Park on Saturday; and 3) advised of a constituent’s request to amend the Code to allow the storage of boats in residential driveways, and requested that staff look into that.

**ADJOURNMENT**

The Council adjourned at 10:35 p.m. to the meeting of May 5, 2009 at 6:00 p.m.

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Luisa Herrera, Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor