Called to Order at 6:02 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
It was reported that no action had been taken.

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
➢ Greg Shelton, 888 N. Williford Drive, spoke regarding Item No. 4, stated that he was concerned with the delay and requested that the Council consider city management until December; recommended investing 90K into development of the ranch and spoke of possible advantages of doing so; and proposed the City use its five acres out on West Street to grow a pumpkin patch and provide free pumpkins to the children of the community.
➢ John Skinner, 950 S. Plano, voiced his support of the Council’s action relative to Proposition 8.
➢ Jessica Mahoney, Terra Bella resident, spoke in favor of a mosquito abatement district; and spoke in opposition of Proposition 8.

CONSENT CALENDAR
Item 4 was removed for further discussion.

1. AWARD OF CONTRACT – KENNETH D. SCHMIDT AND ASSOCIATES, GROUNDWATER CONSULTANTS

Recommendation: That the City Council:
   1. Approve a “not to exceed” $40,000 contract with Dr. Kenneth Schmidt;
   2. Authorize the Mayor to sign the Service Agreement; and
3. Authorize the Public Works Director to approve additional water related studies provided said additional studies are clear, well defined, and do not exceed the full limit of the contract.

Documentation: M.O. 01-062309
Recommendation: Approved

2. ACCEPTANCE & AUTHORIZATION TO SIGN RELEASE AND COMPROMISE AGREEMENT – CARL’S JR. / NATIONAL SIGN & MARKETING CORPORATION

Recommendation: That City Council approve the “Release and Compromise Agreement” and authorize the Mayor to sign all necessary documents.

Documentation: M.O. 02-062309
Disposition: Approved

3. CONSIDERATION OF A RESOLUTION IN SUPPORT OF LITIGATION OVER UNCONSTITUTIONAL DIVERSION OF LOCAL SHARE OF MOTOR FUEL (GAS) TAX MONIES

Recommendation: That the City Council adopt the proposed Resolution, authorize the City Attorney to cooperate with the League of California Cities in litigation of the State.

Documentation: Resolution 58-2009
Disposition: Approved

Vice Mayor McCracken made a motion to accept Items 1 through 4, and the motion was seconded by Council Member Felipe Martinez. Council Member Brian Ward then indicated that he wished to pull Item 4 for discussion. Vice Mayor McCracken re-stated his motion.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council approve Items 1 through 3. The motion carried unanimously.

4. AUTHORIZATION TO AWARD AN ALTERNATIVE AGREEMENT

Recommendation: That the City Council:
1. Award the Alternative Agreement with Rick Perigo Roadsiding; and
2. Authorize the Mayor to sign the Alternative Agreement.

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

Council Member Ward inquired as to the length of time it would take to resolve the issue in litigation. City Manager Lollis stated that there was no defined time frame, and commented that
requests for information specific to the litigation be communicated in Closed Session.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council award the Alternative Agreement with Rick Perigo Roadsiding; and authorize the Mayor to sign the Alternative Agreement. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

5. CONSIDERATION OF INITIATING SURVEY CONCERNING THE FORMATION OF A MOSQUITO ABATEMENT DISTRICT IN SOUTHEASTERN TULARE COUNTY

Recommendation: That the City Council consider the initiation and potential funding for a property owner survey of the Southeaster Tulare County region, to determine regional interest in an abatement district.

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

Council Member Pedro Martinez inquired about the approval of the study session. Mr. Lollis advised that the Council had approved the scheduling of a study session at the first meeting in May.

Mayor Hamilton indicated that the survey was necessary to determine who would receive ballots and what areas would make up the district. A discussion ensued with regard to costs associated with the survey, and it was indicated that a definitive formula had not yet been identified.

Supervisor Ennis brought up the potential problem of determining district boundaries if the City of Porterville did not become part of the mosquito abatement district, and spoke of complications with regard to annexed areas and County islands. Community Development Director Brad Dunlap indicated that in the event the survey resulted in Porterville not participating in the district, the City would likely have to recommend a boundary to Tulare County Local Agency Formation Commission (LAFCO).

Council Member Ward inquired about the costs per parcel, and Tulare Mosquito Abatement District Manager Marshall Norgaard estimated that property owners would pay between $12 and $24 for the services.

Council Member Felipe Martinez made a motion that the City Council approve participation in the survey. The motion was seconded by Mayor Hamilton.

Council Member Ward indicated that he was not in favor of a “pre-sale approach” and stressed the importance of the information being neutral. He added that he was reservations about spending $13,000 for a survey that he has not seen, but was comfortable with setting the funding aside to potentially support the survey pending receipt of the survey information.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor
M.O. 04-062309 McCracken that the City Council approve the appropriation of funding subject to review and approval of the survey.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Mayor Hamilton that the City Council approve participation in the survey.

M.O. 05-062309 Hamilton that the City Council approve participation in the survey.

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

City Manager Lollis noted for the record that written communications had been received prior to the meeting, were distributed to the Council, and posted on the city’s website.

Disposition: Approved

WRITTEN COMMUNICATIONS
➢ Case Lok, address unknown, provided the Council with information regarding mosquito development and life cycles; and requested that the Council adopt an ordinance to address the issue of standing water in lieu of supporting a mosquito abatement district.

ORAL COMMUNICATIONS
➢ Greg Shelton, address on record, suggested the consideration of killer bee and mountain lion districts.
➢ Jessica Mahoney, Terra Bella resident, spoke of water overflow on her property from adjacent properties and of the importance of public health and safety.

ADJOURNMENT
The Council adjourned at 7:47 p.m. to the meeting of July 7, 2009.

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Luisa Herrera, Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor