Called 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, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.
5- Government Code Section 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 Nancy Jenner reported that no action had been taken.

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

PRESENTATIONS
Employee of the Month – Larry Rodriguez
Student Entrepreneur Challenge
• Students Lauren Hurt, Christian Gomez, Imran Noorali, Cameron Patel, and Sunny Basra made presentations, and Instructor Tony Grande spoke of the program and the achievements of the students.
Mosquito Abatement Update – LAFCO
• Tulare County Supervisor/LAFCO Commissioner Allen Ishida spoke of the need for a feasibility study and introduced John Bliss of SCI Consultants who elaborated on the process for conducting a Prop 218 Benefit Assessment Election.
ORAL COMMUNICATIONS

- Grace Munoz-Rios, 345 West Belleview, spoke of the challenges faced by many in the community due to the economy, and advised of an upcoming City-wide food drive, “Fill the Trolley.” Ms. Munoz-Rios acknowledged the Comision Honorifica Americana, Porterville Chamber of Commerce, and K-TIP for their assistance, thanked the City for allowing use of its trolley, and advised that the event would be in need of volunteers and that her organization would likely seek a proclamation from the City Council.

- Donnette Silva Carter, Chamber of Commerce, 93 North Main Street, spoke of the Future Business Leaders of America event recently held, and acknowledged student Lauren Hurt on her 1st place finish.

- Tony Grande, Instructor at Monache High School, spoke of the Future Business Leaders of America program, acknowledged the efforts of many local students, including Miss Hurt, and noted that Ms. Silva Carter was at one time a participant in the program.

- Dick Eckhoff, 197 North Main Street, came forward on behalf of the Porterville Auxiliary of the City of Hope, and spoke of the success of the City of Hope Spectacular recently held. Mr. Eckhoff acknowledged the Auxiliary’s Board Members and the Porterville Explorers for their efforts, and presented the Explorers with a commemorative plaque. He then inquired as to the status of the Plano Street bridge project, noting its deteriorated condition, and requested that temporary patches be pursued while the complete project is pending.

- Dr. Paul Israel, spoke generally of his desire to become more involved in the community, and voiced appreciation for the success of the students acknowledged that evening.

- Vince Johnson, 17723 Road 232, voiced concern with the manner in which customers are billed for utilities, particularly as it relates to landlords being held accountable for tenants who do not pay their bills. Mr. Johnson proposed options for addressing the issue, such as increasing security deposits to cover the cost of an average month’s billing, or shortening the delay in the billing cycle.

City Manager John Lollis advised that the City had received correspondence from Mr. Bill Roberts of Roberts Engineering dated March 2, 2009 pertaining to the changes in the Storm Drain Master Plan, as proposed in Item No. 14. He advised that in the letter, Mr. Roberts proposed that Appendix C, Page 4 of the 1994 Storm Drain Master Plan and City Standard Plan D-4 be changed to reflect the allowance of the first day percolation volume when field percolation test results meet or exceed 1” per hour rather than the 6” per hour as recommended by City staff.

CONSENT CALENDAR

Items 4, 11 and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF DECEMBER 16, 2008

Recommendation: That the City Council approve the Minutes of December 16, 2008.
2. CLAIM – NATALIE PRIETO AND JOVITA PRIETO

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. 02-030309
Disposition: Approved

3. ACQUISITION OF ANIMAL CONTROL VEHICLE FROM TULARE COUNTY

Recommendation: That the City Council:
1. Accept the surplus Animal Control vehicle from Tulare County for local use; and
2. Authorize the Purchasing Agent to transfer ownership of the vehicle to the City of Porterville.

Documentation: M.O. 03-030309
Disposition: Approved

3a. PURCHASE OF UNMARKED VEHICLE FOR POLICE AUTO-THEFT INVESTIGATIONS

Recommendation: That the City Council approve the expenditure of $24,297.88 in funds from the Porterville Police Department’s Asset Forfeiture Account.

Documentation: M.O. 04-030309
Disposition: Approved

5. AWARD OF CONTRACT – ONE-HALF TON FLEETSIDE PICK UP TRUCK

Recommendation: That the Council award the contract for a new one-half ton fleetside pickup truck to Hoblit Dodge of Woodland, CA, in the amount of $17,271.13. Further, that the Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 05-030309
Disposition: Approved

6. AWARD OF CONTRACT – ‘G’ STREET RECONSTRUCTION PROJECT (HENDERSON AVENUE TO 700’ ± SOUTH)
Recommendation: That the Council:

1. Award the ‘G’ Street Reconstruction Project, Henderson Avenue to 700’ ± South to Halopoff & Sons, Inc. in the amount of $140,146.91; and
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and $10,000 for staff time and construction engineering.

Documentation: M.O. 06-030309
Disposition: Approved

7. AWARD CONTRACT – VARIABLE FREQUENCY DRIVE

Recommendation: That the Council award the contract for 125 hp. variable frequency drive to Graybar, of Fresno, CA, in the amount of $8,495.20. Further, that the Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 07-030309
Disposition: Approved

8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-110-021 – FRUIT GROWERS SUPPLY COMPANY, A CALIFORNIA CORPORATION – SCRANTON/INDIANA STREET PROJECT

Recommendation: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Fruit Growers Supply Company, a California Corporation, in the amount of $18,000.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution No. 15-2009
Disposition: Approved

9. ACQUISITION OF RIGHT OF WAY – PROPERTY LOCATED AT APN 268-110-005 OWNERS CALIFORNIA RANCH COMPANY, A LIMITED PARTNERSHIP – SCRANTON/INDIANA STREET PROJECT

Recommendation: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to California Ranch Company, a Limited Partnership in the amount of $44,000.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.
10. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA GAS COMPANY

Recommendation: That the City Council:
1. Accept Southern California Gas company’s request to have the City convey an easement for the installation and maintenance of an underground gas pipeline and related facilities;
2. Authorize the Mayor to sign the Grant of Easement; and
3. Authorize the City Clerk to mail the signed Grant of Easement to Southern California Gas Company for recordation.

12. APPROVING AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING

Recommendation: That the City Council approve Amendment No. 1 to Professional Services Agreement with Willdan Engineering, and authorize and direct the Mayor to execute same.

13. AIRPORT LEASE RENEWAL – LOT 34B

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Bruce Kaiser of Porterville for Lot 34B at the Porterville Municipal Airport.

15. CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2009-2010

Recommendation: That the City Council approve the proposed budget calendar for the 2009-2010 fiscal year.
16. REQUEST BY COUNCIL MEMBER – OPPOSITION LETTER REGARDING ROLE OF WHITE HOUSE IN 2010 CENSUS

Recommendation: That the City Council ratify its approval of the draft letter to President Barack Obama opposing an increased White House role in the 2010 U.S. Census; and direct staff to transmit said letter.

Documentation: M.O. 11-030309
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve Item Nos 1 through 3a, 5 through 10, 12, 13, 15 and 16. The motion carried unanimously.

4. APPROVAL OF BUDGET AMENDMENT AND AUTHORIZATION TO ADVERTISE FOR BIDS – MURRY AND ZALUD PARK PAVILION REPLACEMENT PROJECTS

Recommendation: That City Council:
1. Approve staff’s recommended budget adjustment;
2. Approve staff’s recommended plans and project manual; and
3. Authorize staff to advertise for bids on the project.

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

Council Member Ward and Vice Mayor McCracken inquired about the reservation schedule of the pavilions at Zalud and Murry Parks, and how it would be affected by the construction. Staff provided information relative to the booking of the pavilions and the amount of time required for the project.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve staff’s recommended budget adjustment; approve staff’s recommended plans and project manual; and authorize staff to advertise for bids on the project.

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

Disposition: Approved
11. GENERAL PLAN CONSISTENCY REFERRAL – ALTA VISTA SCHOOL DISTRICT – NEW ELEMENTARY SCHOOL

Recommendation: That the City Council determine that the proposed elementary school, to be located generally 700 feet east of the intersection of East Olive Avenue and Tulsa Street, (APN 255-170-022) just east of the existing Granite Hills High School, is consistent with the General Plan of the City of Porterville.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council determine that the proposed elementary school, to be located generally 700 feet east of the intersection of East Olive Avenue and Tulsa Street, (APN 255-170-022) just east of the existing Granite Hills High School, is consistent with the General Plan of the City of Porterville.

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

Disposition: Approved

14. AMENDMENT TO STORM DRAIN MASTER PLAN, CITY STANDARD PLANS AND SPECIFICATIONS – DRAINAGE RESERVOIR DESIGN CRITERIA

Recommendation: That City Council:
1. Approve and adopt the draft resolution changing Appendix C, Page 4 of the 1994 Strom Drain Master Plan and City Standard Plan D-4 to reflect the allowance of the first day percolation volume when field percolation test results meet or exceed 6” per hour; and
2. Direct the City Engineer to bring forth at the earliest time possible; modified design criteria for drainage systems for incorporation into the 1994 Storm Drain Master Plan, Standard Plans and Specifications.

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

Public Works Director Rodriguez indicated that staff did not agree with the recommendation received by Mr. Bill Roberts of Roberts Engineering, and spoke in favor of staff’s recommendation.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Resolution 18-2009 Felipe Martinez that the City Council approve and adopt the draft resolution.
resolution changing Appendix C, Page 4 of the 1994 Storm Drain Master Plan and City Standard Plan D-4 to reflect the allowance of the first day percolation volume when field percolation test results meet or exceed 6” per hour; and direct the City Engineer to bring forth at the earliest time possible; modified design criteria for drainage systems for incorporation into the 1994 Storm Drain Master Plan, Standard Plans and Specifications. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

17. CITY OF PORTERVILLE 2009-2014 HOUSING ELEMENT

Recommendation: That the City Council approve the draft City of Porterville 2009-2014 Housing Element for submittal to the State Department of Housing and Community Development.

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

The public hearing was opened at 8:10 p.m. Seeing no one, the Mayor closed the public hearing at 8:11 p.m.

Council Member Pedro Martinez expressed concern with property owners not properly maintaining properties, and inquired about ways to address the issue. Staff indicated that those types of issues were handled collaboratively by the Building Division, Code Enforcement, and the Health Department on a complaint basis. A brief discussion ensued with regard to aesthetic improvements such as fencing, and remedies available for renters.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve the draft City of Porterville 2009-2014 Housing Element for submittal to the State Department of Housing and Community Development. The motion carried unanimously.

Disposition: Approved

18. REQUEST TO ALLOW FOR A CONDITIONAL USE PERMIT 4-2008 TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 E. PUTNAM AVENUE

Recommendation: That the City Council:
1. Consider Conditional Use Permit 4-2008 for an alcohol license update from an off-sale Type 20 beer and wine to an off-sale Type 21
beer, wine, and distilled spirits subject to conditions of approval, by adopting the proposed resolution; and
2. Authorize the Mayor to sign the letter of public convenience or necessity.

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

The continued public hearing was opened at 8:30 p.m.

- Applicant, spoke in favor of the upgrade; and addressed issues with applicant’s lack of permit for and failure to submit the new floor plan.

- Dick Eckhoff, address on record, inquired about concerns with the location of distilled spirits versus beer; and spoke in favor of the conditional use permit.

Vice Mayor McCracken inquired about legal non-conforming uses, and proposed looking into a procedure to update their permit when upgrades or other changes are requested.

Council Member Ward stated that he did not see that the circumstances had changed to warrant approval.

In response to concerns raised by the Mayor about infractions, staff provided the Council options to address the infractions as well as inconsistencies with the conditional use permit. A discussion ensued with regard to the increase in the number of permit infractions and how they are typically handled by staff. Staff elaborated on the difference between flagrant non-compliance and ignorance on the part of contractors and applicants.

Council Member Pedro Martinez expressed concern with the number of permits per census tract, and the lack of reasoning behind the argument of convenience.

Mayor Hamilton excused himself to make a personal phone call, and returned at 9:05 p.m.

- Applicant, responded to concerns raised by Council Member Pedro Martinez.

Council Member Felipe Martinez suggested that the Council reward the good behavior of the business.

**COUNCIL ACTION:**

MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council consider Conditional Use Permit 4-2008 for an alcohol license update from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits subject to conditions of approval, by adopting the proposed resolution; and authorize the Mayor to sign the letter of public convenience or necessity.
AYES: McCracken, F. Martinez, P. Martinez, Hamilton
NOES: Ward
ABSTAIN: None
ABSENT: None

Disposition: Approved

The Council recessed for ten minutes at 9:30 p.m.

SCHEDULED MATTERS

19. APPROVAL OF ECONOMIC DEVELOPMENT PROGRAM – SHOP LOCAL CAMPAIGN

Recommendation: That the City Council:
1. Approve the “Shop Porterville First” campaign; and
2. Authorize the use of salary savings realized through reimbursement by the Economic Development Administration grant for the project; and
3. Authorize waiver of the Transit portion of bus advertisement rental revenue and advertising related to the Shop Porterville First Campaign.

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 Felipe Martinez that the City Council approve the “Shop Porterville First” campaign; authorize the use of salary savings realized through reimbursement by the Economic Development Administration grant for the project; and authorize waiver of the Transit portion of bus advertisement rental revenue and advertising related to the Shop Porterville First Campaign. The motion carried unanimously.

Disposition: Approved

20. REQUEST AUTHORIZATION TO CONNECT TO CITY WATER AT 943 W. WESTFIELD

Recommendation: That the City Council:
1. Direct staff to prepare all annexation and water connection fees on behalf of Mr. Saleh;
2. Accept payment of annexation and water connection fees from Mr. Saleh prior to connection of water service;
3. Direct staff to move expeditiously to annex Mr. Saleh’s property located at 943 W. Westfield;
4. Direct the Public Works Director to install a commercial water
service to 943 W. Westfield and record that the water service shall remain in place whether the annexation is approved or disapproved; and

5. Direct applicant to sign a “consent to annex” form prior to processing the application in the event the annexation is not successful.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

COUNCIL ACTION:
M.O. 17-030309

MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council direct staff to prepare all annexation and water connection fees on behalf of Mr. Saleh; accept payment of annexation and water connection fees from Mr. Saleh prior to connection of water service; direct staff to move expeditiously to annex Mr. Saleh’s property located at 943 W. Westfield; direct the Public Works Director to install a commercial water service to 943 W. Westfield and record that the water service shall remain in place whether the annexation is approved or disapproved; and direct applicant to sign a “consent to annex” form prior to processing the application in the event the annexation is not successful. The motion carried unanimously.

Disposition: Approved

21. SCHEDULING OF CITY COUNCIL CITIZEN FORUMS

Recommendation: That City Council consider the format and location of the citizen forums, and provide direction to staff in the selection of forum dates.

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

A discussion took place about the scheduling of the meetings, and staff was directed by the Council to notice the meetings as Council Meetings and work with the Council to select dates.

Disposition: Staff direction given.

22. COUNCIL MEMBER REQUEST – MURRY PARK MASTER PLAN POND RENOVATIONS

Recommendation: This item is for informational purposes at the request of a member of the City Council, and no action is requested by staff.

City Manager Lollis introduced the item, and Council Member Pedro Martinez initiated discussion about the island and the importance of upkeep. The general consensus of the Council was to keep the island.
Council Member Pedro Martinez proposed the formation of a Murry Park citizen committee.

Parks & Leisure Services Director Jim Perrine spoke of the benefits of pond removal, and urged the Council to give due consideration to the Master Plan as it pertained to the pond.

Council Member Pedro Martinez spoke in favor of keeping the island. City Manager Lollis spoke briefly about the Council’s options and the issue of water contamination.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve keeping the island at Murry Park.

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

Disposition: Approved

23. COUNCIL MEMBER REQUEST –DRAFT LETTER TO CONGRESSMAN JOE BACA IN SUPPORT OF H.R. 750 – “STAMP OUT GANG VIOLENCE ACT”

Recommendation: That the City Council consider the draft letter of support.

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 Pedro Martinez that the City Council approve the draft letter of support of H.R. 750. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS

- Greg Shelton, 888 North Williford Drive, spoke against the “all or nothing” approach with the Murry Park Master Plan, and proposed instead that smaller more accomplishable projects be undertaken, such as the Murry Park Pond, and suggested various solutions to addressing the issue with the water quality.
- Dick Eckhoff, address on record, stated that on many occasions, hearing the Council’s motions was difficult for audience members, and requested that the motions be restated. He then spoke in favor of keeping the island at Murry Park Pond.
OTHER MATTERS

- Council Member Ward 1) followed up with City Manager Lollis on scheduling a meeting with him to discuss the mistletoe matter; and 2) inquired as to the status of scheduling a meeting regarding the Neighborhood Watch program.
- Council Member Felipe Martinez 1) spoke of individuals in the vicinity of the restrooms at Murry Park, and proposed that cameras be installed to ensure the safety of Murry Park patrons, particularly children; 2) proposed partnering with the Forest Service for the abatement of mistletoe; and 3) thanked the Council Members for approving the letter of support for HR 750.
- Vice Mayor McCracken spoke of a fund raising breakfast sponsored by the Boy Scouts of America to take place the morning of Tuesday, March 10, 2009 at the First United Methodist Church.
- Council Member Pedro Martinez 1) proposed establishing a permanent site for the collection of hazardous waste such as paint and fluorescent light bulbs, etc., as opposed to offering drop-off sites only twice per year; and 2) requested that an item be added to a future agenda to consider potential changes to the policy regarding alcohol sales.
- Mayor Hamilton inquired as to the proposed roundabout in the area of Jaye Street and Highway 190, particularly as to a cost analysis regarding the installation of a traffic signal versus a roundabout.
- City Manager Lollis 1) advised that a request had been received for use of the City trolley for a food drive, as had been mentioned in Oral Communications by Ms. Munoz-Rios; and 2) updated the Council on the recent Plant Managers meeting that had recently taken place.

ADJOURNMENT

The Council adjourned at 10:29 p.m. to the meeting of March 17, 2009 at 6:00 p.m.

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Luisa Herrera, Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor