Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez (arrived at 6:15 p.m.), Council Member Felipe Martinez, Vice Mayor Ward (arrived at 8:39 p.m.), Mayor McCracken

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   6- 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 AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Eagle Scout Timothy Hathaway
Invocation – one individual participated.

PROCLAMATIONS
   Eagle Scout – Timothy Hathaway
   Tule River Tribe Pow Wow Days – September 18-20, 2009
   Filipino-American Cultural Week – September 19-26, 2009
ORAL COMMUNICATIONS

- John Coffee, Porterville resident, requested that the Council consider increasing the radius of interested relative to Conditional Use Permits.
- Don Erickson, President of Kiwanis Club, spoke in favor of the current firework lottery process, and suggested that the dates allowed for the discharge of fireworks coincide with the dates allowed for sale of fireworks.
- Donnette Carter, Chamber of Commerce, extended an invitation to the Business Showcase on September 22nd, and indicated that she did not support a change in the firework lottery system because it is a good, fair, system.
- Dick Eckhoff, 197 N. Main, spoke in opposition to a change in the firework lottery system.
- Brock Neeley, Porterville resident, expressed concern regarding the condition of the curb and sidewalk area on the west side of Newcomb between Westfield Street and Henderson Avenue.
- Robert Roman, Time Marches On Committee, spoke in support of Item 12 and made himself available for questions.
- Teresa Jackson, 1469 N. Prospect, representing the Porterville Church of God, spoke about the fairness of the current firework lottery system, and against a change in the system.
- Dennis Townsend, 633 N. Westwood Street, Chamber of Commerce, spoke in support of the current firework lottery system, and lauded the efforts of the Time Marches On Committee.
- An unidentified individual spoke in favor of the current lottery system.
- Glen Faison, Editor of the Porterville Recorder, 115 E. Oak Avenue, thanked the City Council and city staff for always being responsive to requests for information.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF SEPTEMBER 1, 2009

Recommendation: That the City Council accept the Minutes of September 1, 2009.

Documentation: M.O. 01-091509
Disposition: Approved

2. CLAIM – TERRI MCCOLLUM

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. 02-091509
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – OHV (OFF HIGHWAY VEHICLE) PARK IMPROVEMENT PROJECT

Recommendation: That City Council:
4. AUTHORIZATION TO ADVERTISE FOR BIDS - PROSPECT STREET RECONSTRUCTION AND CONCRETE IMPROVEMENTS PROJECT

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

Documentation: M.O. 04-091509
Disposition: Approved

5. AWARD OF CONTRACT - MICRO-SURFACING PROJECT

Recommendations: That the City Council:
1) Award the Micro Surfacing Project to Bond Blacktop, Inc. in the amount of $443,076.42;
2) Authorize progress payments up to 90% of the contract amount; and
3) Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 05-091509
Disposition: Approved

6. ACCEPTANCE OF PROJECT - TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

Recommendations: That City Council:
1) Accept the project as complete; and
2) Authorize the filing of the Notice of Completion.

Documentation: M.O. 06-091509
Disposition: Approved

7. TULARE COUNTY HEALTH DEPARTMENT FLU SHOT CLINIC

Recommendation: For information only.

Documentation: M.O. 07-091509
Disposition: Approved
8. APPROVAL OF MEASURE ‘R’ PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendations: That the City Council:

1) Approve the draft Resolution in support of the Program Supplement to Cooperative Agreement for the reimbursement of Route 8 implementation expenses;
2) Authorize the Mayor and City Clerk to execute the Program Supplement; and
3) Authorize staff to forward the executed Program Supplement to TCAG for approval and execution.

Documentation: Resolution No. 82-2009
Disposition: M.O. 08-091509

9. STATE DEPARTMENT OF FINANCE – POPULATION AND HOUSING ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for Stat certification for the City of Porterville, January 1, 2009, population of 52,056.

Documentation: M.O. 09-091509
Disposition: Approved

10. CONDITIONAL USE PERMIT 6-2008 (VILLA SIENA) EXTENSION OF TIME

Recommendation: That the City Council adopt the draft resolution approving an extension of time for Conditional Use Permit 6-2008 that is tied to the timeframe outlined in the approved Affordable Housing Agreement.

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

Documentation: M.O. 14-091509
Disposition: Failed

11. INITIATE PROCESS FOR LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION APPOINTMENTS

Recommendation: Announce the two pending Library Board of Trustees three-year positions, one pending Library Board of Trustees one-year positions, the four pending Parks & Leisure Services Commission four-year positions, and the one pending Parks & Leisure Services Commission two-year positions. Direct
staff to advertise for interested residents to submit a ‘Request for Appointment’ by October 5, 2009, for City Council to consideration of appointments at the October 13, 2009, meeting.

Documentation: M.O. 10-091509
Disposition: Approved

12. AUTHORIZE THE TIME MARCHES ON COMMITTEE TO OBTAIN SPONSORS AND INSTALL BENCHES IN CENTENNIAL PLAZA

Recommendation: Authorize the Time Marches On Committee to obtain sponsors and install benches in Centennial Plaza.

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

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council accept Item Nos. 1 through 12.

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

PUBLIC HEARINGS
13. CONDITIONAL USE PERMIT 2-2009 - PROPOSED MODULAR CLASSROOM AT THE CALVARY BAPTIST CHURCH, LOCATED AT THE SOUTHEAST CORNER OF NORTH GRAND AVENUE AND NEWCOMB STREET

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit No. 2-2009 subject to conditions of approval.

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

The hearing was opened to the public at 7:38 p.m.

- Dennis Townsend, address on record, spoke in favor of the item and thanked staff for a great job.
- Dale Seaman, 1966 Pamela, expressed his appreciation for the work of city staff and the opportunity to have the item considered.
George Davis, thanked the City Council and the Planning staff for their work and assistance in moving the item forward; and spoke of the need for additional space.

John Coffee, expressed concerns with modular buildings, particularly with maintenance, loud air conditioning units; and spoke of the need for dust control on the property.

The public hearing closed at 7:43 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council adopt the draft resolution approving Conditional Use Permit No. 2-2009 subject to conditions of approval.

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

Disposition: Approved

City Attorney Julia Lew noted for the record that Consent Calendar Item No. 10 failed to pass due to there being two abstentions and one absence, and indicated that the item would have to be brought back at the next City Council meeting.

SCHEDULED MATTERS
14. COUNCIL PRIORITY PROJECT UPDATE

Recommendation: None – Information only.

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

Disposition: No action required.

15. ACCEPT THE INTRODUCTORY REPORT FOR A ZALUD HOUSE MASTER PLAN AND AUTHORIZE ACTIVITIES THAT WILL PROVIDE FOR FUTURE CONSIDERATION OF MASTER PLAN ADOPTION AND IMPLEMENTATION OF PROJECTS

Recommendation: That the City Council accept the Introductory Report for the Zalud House Master Plan, including the proposed findings and recommendations, and authorize activities that will provide for future consideration of Master Plan adoption and implementation of projects.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.
Council Member Pedro Martinez inquired about Zalud House rental fees. Mr. Perrine indicated that the current fee was $250 for up to three hours. A discussion ensued with regard to the rental fees and it was suggested that fees be lowered to increase use of the facility. The Council directed staff to bring back an item for consideration regarding rental fees.

**COUNCIL ACTION:**

MOVED by Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council accept the Introductory Report for the Zalud House Master Plan, including the proposed findings and recommendations, and authorize activities that will provide for future consideration of Master Plan adoption and implementation of projects; and direct staff to bring back an item for consideration regarding rental fees.

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

Disposition: Approved

16. **STATUS OF ENERGY CONSERVATION PERFORMANCE CONTRACT PREPARATIONS WITH JOHNSON CONTROLS, INC.**

Recommendation: That the City Council receive that status report on the efforts to prepare Energy Conservation Performance Contract with Johnson Controls, Inc.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Perrine presented a brief staff report.

Disposition: No action required.

17. **COUNCIL MEMBER REQUESTED ITEM – RECAP OF PREVIOUS THREE YEARS OF SAFE AND SANE FIREWORKS LOTTERY**

Recommendation: None.

City Manager Lollis introduced the item, and Battalion Chief Loran Blasdell presented the staff report. During the staff report he noted that the Chamber of Commerce was inadvertently omitted from the list.

Council Member Felipe Martinez indicated that his request to consider the item stemmed from concerns that had been conveyed to him by constituents. He added that the discussion of the item had proven the current lottery system to be fair and had dispelled arguments against the lottery.

Council Member Hamilton spoke in support of the current lottery system.

Battalion Chief Blasdell voiced concerns regarding the permitted dates for discharging
fireworks, stating that the fire department did not have the manpower to enforce it. Fire Chief Mario Garcia spoke about the difference in discharge dates among the different jurisdictions.

The Council directed staff to bring back the Ordinance to review discharge dates and fines.

Council Member Pedro Martinez indicated that he would like to see the booth locations subject to a lottery system as well, and a discussion ensued with regard to the manner in which vendors secure booth locations. City Attorney Lew advised that the Council could amend the fireworks ordinance to include fixed sites.

The Council directed staff to incorporate site selection in the Council’s review of the ordinance.

At 8:39 p.m., Vice Mayor Ward arrived and joined the Council at the dais.

Disposition: Staff direction given.

The City Council adjourned at 8:40 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Director Hamilton, Director Pedro Martinez, Director Felipe Martinez, Vice President Ward, President McCracken

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

None

PUBLIC IMPROVEMENT SCHEDULED MATTER

PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:

1) Approve the election of officers as indicated in the attached draft resolutions;
2) accept public comment; and
3) Approve the 2009 Status Report for Certificates of Participation Projects.

Executive Secretary Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

CORPORATION ACTION: MOVED by Director Hamilton, SECONDED by Director Felipe Martinez that the City Council, sitting as the Porterville Public Improvement Corporation, approve the election of officers as
indicated in the draft resolution; and approve the 2009 Status Report for Certificates of Participation Projects. The motion carried unanimously.

Disposition: Approved

The Porterville Public Improvement Corporation meeting adjourned at 8:44 p.m. to a meeting of the Porterville City Council.

Council Member Felipe Martinez inquired about the reconsideration of Item No. 10, and City Attorney Lew advised that the Council could reconsider the item at that time.

Mayor McCracken and Council Member Felipe Martinez abstained due to previously disclosed conflicts of interest.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward that the City Council reconsider Item No. 10, Conditional Use Permit 6-2008 (Villa Siena) Extension of Time.

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

Disposition: Approved

10. CONDITIONAL USE PERMIT 6-2008 (VILLA SIENA) EXTENSION OF TIME

Recommendation: That the City Council adopt the draft resolution approving an extension of time for Conditional Use Permit 6-2008 that is tied to the timeframe outlined in the approved Affordable Housing Agreement.

COUNCIL ACTION: Resolution 84-2009 MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council adopt the draft resolution approving an extension of time for Conditional Use Permit 6-2008 that is tied to the timeframe outlined in the approved Affordable Housing Agreement.

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

Disposition: Approved

ORAL COMMUNICATIONS
• John Coffee, Porterville resident, spoke regarding Item 17, and expressed concern with the close
proximity of firework booths.

- Don Erickson, Lindsay resident, suggested that the Council limit the permitted fireworks discharge dates to July 1 to July 4.
- Donnette Carter, spoke regarding Item 17, noting that there had not been a wrap-up meeting this year to address questions and concerns, and lauded the Police Department for the involvement in a recent drug bust.
- Dick Eckhoff, address on record, expressed his concern regarding the lack of marketing of the Zalud House, and spoke in opposition of changes to the Firework Ordinance.
- Greg Shelton, 888 N. Williford Drive, questioned the Zalud House Master Plan, stating that the City will most likely continue to lose money.

OTHER MATTERS

- Council Member Hamilton, thanked Sierra View for their September 11th remembrance event, and thanked the Police and Fire Departments for their recent efforts.
- Council Member Felipe Martinez indicated that he will have an AB123 report at the next meeting.
- Vice Mayor Ward thanked Mr. Neeley for promoting Suicide Prevention Week, and thanked Sierra View, and the Police and Fire Departments for their recent efforts.
- Mayor McCracken provided a mosquito abatement survey update.
- Council Member Hamilton provided an update on the medical condition, stating that of former Supervisor Jim Maples and requested that he be kept in everyone’s prayers.
- Council Member Pedro Martinez requested that the Mayor authorize flying the City flag at half mast for Mr. Maples in the event of his passing.

ADJOURNMENT

The City Council meeting adjourned at 9:01 p.m. to the meeting of October 6, 2009 at 6:00 p.m.

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Luisa Herrera, Deputy City Clerk

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Pete V. McCracken, Mayor