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, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54957 – Public Employee Performance Evaluation – Title: Golf Course Manager
   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 – Two Cases

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
Attorney Julia Lew reported that pertaining to Item A-5, the Council unanimously approved commencement of litigation in the matter of the farm lease/purchase agreement.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize the initiation of litigation in the matter of the farm lease/purchase agreement, if necessary. The motion carried unanimously.

Disposition: Approved

Pledge of Allegiance Led by Vice Mayor Pete V. McCracken
Invocation – a moment of silence was observed.
PROCLAMATIONS
Michael Allen Taylor – Eagle Scout (continued)

PRESENTATIONS
United Way – Ernie Hernandez

ORAL COMMUNICATIONS
- Adam (last name not provided), 353 E. Harrison Avenue, voiced concern with the Council previous support of Proposition 8, and requested its rescission.
- Jamie Garza, spoke against the Council’s support of Proposition 8.
- Nicole (last name inaudible), spoke against the Council’s support of Proposition 8 and requested that the Council reverse its decision.
- Anne Marie Wagstaff, spoke against Proposition 8 and the Council’s support thereof.
- Jessica Mahoney, a Terra Bella resident, spoke in favor of a mosquito abatement district, and voiced concern with the Council support of Proposition 8.
- Greg Shelton, 888 North Williford Drive, requested that he have an opportunity to speak on Item 16 when the matter was before the Council.
- Dick Eckhoff, business address of 197 North Main Street, requested that he be afforded an opportunity to speak when the Council discussed Item 14; and spoke in favor of the Council’s approval of Item 17.
- Bob Keenan, President of the Home Builders Association of Tulare/Kings Counties, requested that Item 7 be pulled from the Consent Calendar.
- Lisa Strong, spoke against the Council’s support of Proposition 8.

CONSENT CALENDAR
Items 3 and 7 were removed for further discussion.

1. CITY COUNCIL MINUTES OF MAY 12, 2009

Recommendation: City Council approved the Minutes of May 12, 2009

Documentation: M.O. 01-061609
Disposition: Approved

2. CLAIM – CASEY BORJA

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. 02-061609
Disposition: Approved

4. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER
Recommendation: That the City Council:
1. Extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2009 to June 30, 2010 in the amount of $36,196.50; and
2. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 03-061609  
Disposition: Approved

5. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PURCHASE OF SIX CNG VEHICLES

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution 57-2009  
Disposition: Approved

6. SIERRA MANAGEMENT TRANSIT CENTER LEASE

Recommendation: That the City Council:
1. Approve the Lease with Sierra Management; and
2. Authorize the Mayor and the City Clerk to execute the Lease, which would go into effect on July 1, 2009.

Documentation: M.O. 04-061609  
Disposition: Approved

8. ACCEPTANCE OF CALIFORNIA INFRASTRUCTURE & ECONOMIC DEVELOPMENT BANK (CIEDB) WATER LOAN

Recommendation: That the City Council:
1. Accept the CIEDB 30-Year loan in the amount of $6,757,500 at an interest of 3.84%;
2. Authorize the Mayor to execute the CIEDB furnished Resolution of Loan Acceptance;
3. Appoint and approve the position of City Manager as the City representative authorized to sign all loan documents except where a specific title or position such as Legal Counsel, Finance Director or Public Works Director is required;
4. Authorize the appropriate staff or Counsel to sign the necessary loan documents to effect the loan; and
5. Direct the Public Works Director to provide a detailed economic analysis that supports or refutes the need for a meter fee increase prior to the adoption of each subsequent budget.

Documentation: Resolution 49-2009; M.O. 05-061609
Disposition: Approved

9. ENGINEER’S REPORT AND SETTING OF A PUBLIC HEARING FOR ANNEXATION NO. 1 TO LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT 32 AND TAX ASSESSMENTS FOR PARCELS WITHIN: SUNRISE VILLA PHASE TWO AND PHASE THREE SUBDIVISIONS

Recommendation: That the City Council adopt:
1. A Resolution Ordering the Proceedings for Annexation No.1 to Landscape the Lighting Maintenance District No. 32, and ordering the preparation of the Engineer’s Report;
2. A Resolution Giving Preliminary Approval to the Engineer’s Report; and

Documentation: Resolution Nos. 50-2009; 51-2009; and 52-2009
Disposition: Approved

10. AMERICAN RECOVERY AND REINVESTMENT ACT ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT MONIES AND CAPITAL PROJECT PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENT OF CITY FACILITIES

Recommendation: That the City Council authorize staff to submit an application and project description to the U.S. Department of Energy, proposing to use available funds to perform City facility energy efficiency retrofits.

Documentation: M.O. 06-061609
Disposition: Approved

11. APPROVAL FOR COMMUNITY CIVIC EVENT – WAL MART DISTRIBUTION CENTER/VALLEY CHILDREN’S HOSPITAL – VALLEY CHILDREN’S CAR SHOW – AUGUST 8, 2009

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Wal Mart Distribution Center, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: M.O. 07-061609
Disposition: Approved
12. APPROVAL OF COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH – COMMUNITY OUTREACH – JULY 18, 2009

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 08-061609
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve Item Nos. 1, 2, 4 through 6, and 8 through 12. The motion carried unanimously.

3. PURCHASE OF (10) HANDHELD POLICE RADIOS FOR AUTO-THEFT INVESTIGATORS

Recommendation: That the City Council approve the expenditure of $13,323.40 in funds from the Porterville Police Department’s portion of the DMV Auto Theft Prevention Fund.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council approve the expenditure of $13,323.40 in funds from the Porterville Police Department’s portion of the DMV Auto Theft Prevention Fund. The motion carried unanimously.

Disposition: Approved

7. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: Consistent with agreements and previous instructions, the report was provided for information purposes. It is recommended that the City Council use the information to inform citizens that may inquire about fee adjustments.

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

- Bob Kennan, Homebuilders Association, requested that the item be pulled from Consent Calendar and a public hearing be scheduled for the next meeting as required by the Fee Mitigation Act.
City Attorney Lew advised the Council of her disagreement with Mr. Keenan’s position that additional Council action was needed prior to the adoption of the fees.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the annual adjustment of fees by application of the ENR Cost Index.

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

Disposition: Approved

At 7:50 p.m. the Council took a ten minute recess.

PUBLIC HEARINGS
13. REQUEST TO ADOPT BUDGET FOR FISCAL YEAR 2009-2010

Recommendation: That the Council adopt the proposed 2009-2010 Fiscal Year Budget, as modified.

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

Mayor Hamilton expressed concern with the budget deficit and the lack of options presented to the Council for consideration.

The public hearing opened at 8:13 p.m.

- Greg Shelton, 888 N. Wiliford Drive, voiced concern with the proposed budget deficit.
- Dick Eckhoff, address on record, voiced support for proposed reserves policy; and thanked the City Council and staff for their hard work.

The public hearing closed at 8:17 p.m.

Public Works Director Baldo Rodriguez spoke to the Capital Projects and street programs for the coming year.

Council Member Ward inquired about various projects and the money appropriated to them. He then made a motion to un-appropriate $220,000 (less funds already spent) for the library facility planning endeavor. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED Vice Mayor McCracken that the City Council approve the un-appropriation of $80,000
Council Member Pedro Martinez spoke briefly about the Zalud House Master Plan and the need to increase downtown activities. He then suggested that misters be installed on one arbor as a test run.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve moving forward with mister installation on a single pavilion as a test run, and keep the amount appropriated at $40,000.

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The Council directed staff to bring back an item regarding the Zalud House Master Plan for Council’s consideration at the October 1, 2009 meeting; and to schedule a quarterly review of the budget.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council adopt the proposed 2009-2010 Fiscal Year Budget, as modified.

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Disposition: Approved
SCHEDULED MATTERS

14. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget.

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

- Augie Gonzalez, Chair of the Porterville Chamber of Directors spoke briefly and recognized volunteers who partnered with the Chamber of Commerce.
- Donnette Silva Carter, President of the Chamber of Commerce, gave a presentation which highlighted Chamber activity in Fiscal Year 2008-2009.
- Dick Eckhoff, address on record, spoke in favor of the Chamber of Commerce and their support of the community.

Council Member Pedro Martinez inquired about the development of a Community Calendar, and a discussion ensued with regard to previous attempts that had been unsuccessful.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

15. D-OVERLAY 1-2009 (PORTER STREET CAR WASH)

Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 1-2009.

City Manager Lollis introduced the item, and Associate Planner Jose Ortiz presented the staff report. During the staff report Mr. Ortiz addressed concerns regarding the use of stucco and the storage of vehicles. He informed the Council that Condition No. 33 of the draft resolution referenced Exhibits Nos. 4 and 5, and should read only Exhibit No. 4, which was Attachment No. 4 of the staff report. In addition to the adoption of the draft resolution, staff also recommended that the Council authorize the Mayor to sign the Reciprocal Use Agreement.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site
Review 1-2009, as amended to reference Exhibit No. 4; and authorize the Mayor to sign the Reciprocal Use Agreement. The motion carried unanimously.

Disposition: Approved

16. AWARD OF CONTRACT – RECLAMATION AREA LEASE

Recommendation: That the City Council:

1. Accept Rick Perigo Roadsiding’s proposal of $130 per acre, and $90,212.20 for 693.94 acres as the top proposal;
2. Approve the lease agreement between the City of Porterville and Rick Perigo Roadsiding; and
3. Authorize the Mayor to sign a five (5) year lease agreement with Rick Perigo Roadsiding and stipulate that the lease agreement start date shall be June 17, 2009 and the lease agreement end date shall be June 16, 2014.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report. During the staff report Mr. Rodriguez indicated that the lease agreement could not take effect on the 17th of June as recommended by staff due to issues related to escrow and outright purchase of 169 acres out of 694 acres were under discussion with the current property owner. He added that until the City took possession of the 169 acres, the City was unable to sublease without written permission or concurrence from the current property owner.

The staff recommendation was revised as follows:

Recommendation: That the City Council:

1. Accept Rick Perigo Roadsiding’s proposal of $130 per acre, $90,212.20 for 693.94 acres as the top proposal;
2. Approve the lease agreement between the City of Porterville and Rick Perigo Roadsiding;
3. Authorize the Mayor to sign a five year lease agreement with Rick Perigo Roadsiding;
4. Authorize the Public Works Director to negotiate an Alternative Agreement with Rick Perigo Roadsidings with the understanding that the Lease Agreement between the City of Porterville and Rick Perigo Roadsiding becomes effective when issues related to the City’s purchase of and/or sublease of the 169 acres are resolved between the current property owner and the City of Porterville; and
5. Direct the Public Works Director to bring back at the earliest time possible the specifics of the Alternative Agreement for City Council review and approval.
Greg Shelton, address on record, spoke in favor of the lease agreement.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council accept Rick Perigo Roadside’s proposal of $130 per acre, $90,212.20 for 693.94 acres as the top proposal; approve the lease agreement between the City of Porterville and Rick Perigo Roadside; authorize the Mayor to sign a five-year lease agreement with Rick Perigo Roadside; authorize the Public Works Director to negotiate an Alternative Agreement with Rick Perigo Roadsides with the understanding that the Lease Agreement between the City of Porterville and Rick Perigo Roadside becomes effective when issues related to the City’s purchase of and/or sublease of the 169 acres are resolved between the current property owner and the City of Porterville; and direct the Public Works Director to bring back at the earliest time possible the specifics of the Alternative Agreement for City Council review and approval. The motion carried unanimously.

Disposition: Approved

17. CONSIDERATION OF FINANCIAL SUPPORT FOR “FIRST CALL” PROGRAM THROUGH THE UNITED WAY OF TULARE COUNTY

Recommendation: That the City Council consider whether to provide financial support for the “First Call” program administered by the United Way of Tulare County.

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

A discussion ensued with regard to requests for financial support from various organizations and the need for a process or policy to address such requests.

At the Council’s request, City Manager Lollis provided additional information regarding recent activities relative to the initiation of the “First Call” Program.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council postpone consideration of financial support indefinitely.

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

Disposition: Approved

18. NOMINATION OF VISALIA CITY MAYOR JESUS J. GAMBOA FOR APPOINTMENT TO THE SAN JOAQUIN VALLEY AIR POLLUTION
CONTROL DISTRICT

Recommendation: That the City Council:
1. Approve the draft resolution nominating City Visalia Mayor Jesus J. Gamboa for appointment to the San Joaquin Valley Air Pollution Control District; and
2. Direct the City Clerk to transmit a certified copy of said resolution to the District by June 30, 2009.

City Manager Lollis 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 draft resolution nominating City Visalia Mayor Jesus J. Gamboa for appointment to the San Joaquin Valley Air Pollution Control District; and direct the City Clerk to transmit a certified copy of said resolution to the District by June 30, 2009. The motion carried unanimously.

Disposition: Approved

The Council adjourned at 10:46 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY MINUTES
June 16, 2009

Roll Call: Vice Chairman McCracken, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Agency Member Ward, Chairman Hamilton

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. REDEVELOPMENT AGENCY 2009-2010 BUDGET

Recommendation: That the Agency Board adopt the proposed 2009-2010 Redevelopment Agency budget.

Agency Secretary Lollis introduced the item.

At Vice Chair McCracken’s request, City Attorney Lew advised that he was permitted to sit and consider the item with regard to general budget adoption and discussion.
Community Development Director Brad Dunlap presented the staff report.

**AGENCY ACTION:** MOVED by Vice Chair McCracken, SECONDED by Member Ward that PRA 2009-05 the Redevelopment Agency adopt the proposed 2009-2010 Redevelopment Agency budget. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency Meeting adjourned at 10:55 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Greg Shelton, address on record, suggested that the concerns of the Measure H Oversight Committee were not properly disclosed by staff during the budget review.
- Dick Eckhoff, address on record, advised the Council that the Oversight Committee was preparing its report to the Council and spoke of the committee’s intent for further review of the relevant documents.

**OTHER MATTERS**
- Council Member Ward lauded the efforts and success of the Airshow.
- Council Member Felipe Martinez thanked staff for their hard work with the Airshow, and spoke of the success of the event, as well as the Flag Day event.
- Council Member Pedro Martinez spoke of Mr. Lollis’ integrity and his frankness in speech, disagreeing with Mr. Shelton’s contention of lack of full disclosure.
- Vice Mayor McCracken inquired as to the status of the alarm ordinance, and requested a report at the next Council meeting.
- Mayor Hamilton lauded both the Airshow and Flag Day events, and confirmed with staff that gate revenue at the Airshow had increased from the prior year.
- City Manager Lollis advised of the Governor’s luncheon scheduled for Thursday; and thanked staff members Maria Bemis and Susan Duke for their efforts on the budget.

**CLOSED SESSION**
- City Attorney Lew reported that Closed Session Item A6 had been continued to the next meeting.

**ADJOURNMENT**
- The Council adjourned at 11:08 p.m. to the meeting of July 7, 2009.

_______________________________
Luisa Herrera, Deputy City Clerk

SEAL