Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez, Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Two Cases: Steve Schnars v. City of Porterville, Workers Compensation Appeals Board Case No. ANA 0410500 and ANA 0410552; and Steve Schnars v. City of Porterville, Tulare County Superior Court, Visalia Div., Case No. 09-233408.
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   5- 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 AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Pedro R. Martinez
Invocation – one individual participated.

PROCLAMATIONS
Porterville High School Varsity Football

PRESENTATIONS
Employee of the Month – David Behrens
Miss Porterville & Her Court

ORAL COMMUNICATIONS
- Daryl Caulk, 1482 W. Thurman, spoke about a drainage problem at his neighbor’s property and requested that the City advise him on how to get the issue resolved.
• Gale Lemmen, a Porterville resident, spoke in favor of a Kohl’s coming to Porterville.

**CONSENT CALENDAR**

Item 6 was removed for further discussion.

1. CITY COUNCIL MINUTES OF OCTOBER 6, 2009, AND NOVEMBER 17, 2009

Recommendation: That the City Council approve the Minutes of October 6, 2009 and November 17, 2009.

Documentation: M.O. 01-120109

Disposition: Approved

2. AWARD OF CONTRACT – CNG FACILITY MAINTENANCE CONTRACTOR

Recommendation: That the City Council:

1. Approve a $15,900 one-year contract with Exterran for CNG Facility Maintenance; and
2. Authorize the Mayor to sign the Service Agreement.

Documentation: M.O. 02-120109

Disposition: Approved

3. AWARD OF CONTRACT – RECLAMATION ROAD 216 PIPELINE AND WEIR PROJECT

Recommendation: That City Council:

1. Award the Reclamation Road 216 Pipeline and Weir to Sierra Construction and Excavation Inc. in the amount of $124,732.50;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Direct the Finance Director to appropriate $147,205.75 from Wastewater Treatment Facility Capital Reserve funds.

Documentation: M.O. 03-120109

Disposition: Approved

4. ACCEPTANCE OF PROJECT – FAIRWAY TRACT EMERGENCY WATER PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 04-120109
5. ACCEPTANCE OF PROJECT – MICRO SURFACING PROJECT

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 05-120109
Disposition: Approved

7. REQUEST BY FEDERICO RAMOS FOR A MODIFICATION OF CONDITIONS TO INSTALL A SEPTIC TANK AT 917 S. WISCONSIN STREET

Recommendation: That the City Council:
1. Authorize Mr. Federico Ramos to install or have installed two modular homes at 917 S. Wisconsin Street;
2. Direct the Public Works Director to issue a “septic tank installation” waiver exclusively to Mr. Ramos for the purpose of placing two modular homes at 917 South Wisconsin Street;
3. Direct that Mr. Ramos, his heirs or subsequent owners of the property at 917 South Wisconsin Street, sign an agreement stating their intention to extend and connect to City sewer when said sewer is within 200’ of 917 South Wisconsin Street;
4. Direct that Mr. Ramos execute a binding “Restrictive Covenant” agreement prior to the issuance of a building permit; and
5. Authorize the Public Works Director to evaluate future requests for septic tank installations on a case by case basis and determine if circumstances are such that installation of a septic tank is fair, reasonable and cost effective.

Documentation: M.O. 06-120109
Disposition: Approved

8. AUTHORIZE A LETTER OF COMMITMENT FOR A STATE ENERGY PROGRAM RESIDENTIAL BUILDING RETROFIT REGIONAL GRANT PROPOSAL

Recommendation: Authorize the City Manager to provide a non-binding letter of commitment for the proposed grant application.

Documentation: M.O. 07-120109
Disposition: Approved

9. APPOINTMENT TO LIBRARY BOARD OF TRUSTEES
Recommendation: That the City Council appoint Mr. Carter to the three-year term that is currently vacant.

Documentation: M.O. 08-120109
Disposition: Approved

10. SCHEDULING OF ADJOURNED CITY COUNCIL MEETING FOR ANNUAL GOAL SETTING TO ESTABLISH 2010 PRIORITIES

Recommendation: That the City Council schedule an adjourned meeting for annual goal setting to establish priorities for Tuesday, December 8, 2009, beginning at 6:30 p.m.

Documentation: M.O. 09-120109
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1 through 5, and 7 through 10, noting the abstention of Council Member Felipe Martinez on the Minutes of October 6, 2009, and the abstention of Council Member Pedro Martinez on the Minutes of November 17, 2009. The motion carried unanimously.

6. AUTHORIZATION OF A LOAN AGREEMENT WITH HENDERSON PROSPECT PARTNERS

Recommendation: That the City Council:
1. Approve the Loan Agreement with Prospect-Henderson Partners, L.P., subject to legal counsel approval as to form; and
2. Authorize the Mayor to sign all necessary documents.

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

Vice Mayor Brian Ward expressed concern with the City loaning tax-payer dollars to bring in a large retailer, and made a motion to reject the Loan Agreement with Prospect-Henderson Partners, L.P. He then requested that staff look into other ways the City could support all developers by reviewing fees and other obstacles which may hinder business development. The motion died for lack of a second.

At the request of Council Member Hamilton, the City Manager spoke of the benefits of approving the loan agreement, which include a higher interest rate earned on investment, sales tax revenues, attracting additional retailers, filling vacant sites, and job creation.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Loan Agreement.
Agreement with Prospect-Henderson Partners, L.P., subject to legal counsel approval as to form; and authorize the Mayor to sign all necessary documents.

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

Disposition: Approved

The Community Covenant Signing presentation took place at 7:35 p.m.

The Council took a fifteen minute recess at 7:43 p.m.

PUBLIC HEARINGS

11. GENERAL PLAN AMENDMENT 1-2009, ZONE CHANGE (PRE-ZONING) 1-2009 AND ANNEXATION 472

Recommendation: That the City Council:

1. Adopt the draft resolution approving a Negative Declaration for General Plan Amendment 1-2009 and Annexation 472;
2. Adopt the draft resolution approving General Plan Amendment 1-2009;
3. Approve the proposed Zone Change (pre-zoning) 1-2009 and give first reading to the draft ordinance;
4. Waive further reading of the draft ordinance approving Zone Change (pre-zoning) 1-2009; and
5. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

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

The hearing opened to the public at 8:00 p.m.

- Jim Winton, 150 W. Morton Avenue, spoke in favor of the amendment and made himself available for any questions.

The hearing closed to the public at 8:01 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Felipe Martinez that the City Council adopt the draft resolution approving a Negative Declaration for General Plan Amendment 1-2009 and Annexation 472; adopt the draft resolution approving General Plan Amendment 1-2009; approve the proposed Zone Change (pre-zoning) 1-
2009 and give first reading to the draft ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 1-2009 BEING A PRE-ZONING FROM COUNTY C-1 (NEIGHBORHOOD COMMERCIAL) TO CITY C-1 (NEIGHBORHOOD COMMERCIAL) FOR THAT 3.45± ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 65 AND WESTFIELD AVENUE; waive further reading of the draft ordinance approving Zone Change (pre-zoning) 1-2009; and adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

12. LIGHTING MAINTENANCE DISTRICT PROPOSED CONSOLIDATION

Recommendation: That the City Council:

1. Open the public hearing to hear public comment on the proposed consolidation of Lighting Maintenance Districts and revised assessment;
2. Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
3. Authorize the City Clerk’s Office to commence tabulation of the ballots; and
4. Adopt the resolution approving the Engineer’s Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

City Manager Lollis introduced the item, and Administrative Aide Vangie Ramirez presented the staff report.

The hearing opened to the public at 8:09 p.m. Seeing no one, the Mayor announced the last call for ballot submission and closed the hearing at 8:10 p.m.

The City Clerk left the Council Chambers for ballot tabulation, and the Council proceeded with the meeting. The tabulation results were read following Item No. 18.

13. PROPOSAL FOR AN AMENDMENT TO THE FREEHOLDERS CHARTER OF THE CITY OF PORTERVILLE CONCERNING LEASES OF CITY PROPERTY

Recommendation: That the City Council:

1. Hold the public hearing concerning the proposed Charter Amendment and consider public testimony; and
2. Consider approval of the Resolution Ordering Submission of a Proposition of an Amendment to the Freeholders Charter of Porterville Concerning Leases of City Property to the Qualified Voters of the City at a Special Election for that Purpose, Requesting Consolidation with a General Municipal Election Scheduled on June 8, 2010, and Authorizing the Filing of an Impartial Analysis and Written Arguments.

City Manager Lollis introduced the item, and City Attorney Julia Lew presented the staff report.

The public hearing was opened at 8:16 p.m. Seeing no one, the Mayor closed the public hearing at 9:17 p.m.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Resolution Ordering Submission of a Proposition of an Amendment to the Freeholders Charter of Porterville Concerning Leases of City Property to the Qualified Voters of the City at a Special Election for that Purpose, Requesting Consolidation with a General Municipal Election Scheduled on June 8, 2010, and authorizing the Filing of an Impartial Analysis and Written Arguments. The motion carried unanimously.

Disposition: Approved

City Manager Lollis informed the Council that Item No. 15 had been noticed as a public hearing, and requested that the item be conducted as such.

15. **ENVIRONMENTAL REVIEW OF THE FAIRGROUND RELOCATION PROJECT**

Recommendation: That the City Council adopt the draft resolution approving a Mitigated Negative Declaration for the Fairground Relocation Project.

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

The public hearing was opened at 8:21 p.m. Seeing no one, the Mayor closed the public hearing at 8:22 p.m.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor Ward that the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Fairground Relocation Project. The motion carried unanimously.

Disposition: Approved
SCHEDULED MATTERS

14. QUARTERLY BUDGET REVIEW AND INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented and provide direction to staff as determined.

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

The Council inquired about the City’s utility user’s tax, equipment replacement funds, and Measure H funds; and directed staff to prepare a budget action plan for the mid-year budget review, scheduled for the 2nd meeting in February of 2010.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor Ward accept the interim financial status reports as presented; and direct staff to prepare a budget action plan for the mid-year budget review, scheduled for the 2nd meeting in February 2010. The motion carried unanimously.

Disposition: Approved

16. EARLY LITERACY PROGRAM

Recommendation: That the City Council receive the recommendation of the Library Board of Trustees and approve the new early literacy program components to commence in January 2010.

City Manager Lollis introduced the item, and Parks and Leisure Serviced Director Jim Perrine presented the staff report.

Following the staff report, Vice Mayor Ward indicated that he wished to have a meeting with community leaders to discuss literacy programs prior to the item’s consideration.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Felipe Martinez that the City Council continue the item to the meeting of December 15, 2009.

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

Disposition: Approved

17. DISCLOSURE OF GROUNDWATER REPORT
Recommendation: That the City Council:
1. Accept Dr. Kenneth D. Schmidt’s report as written;
2. Authorize the Public Works Director and his designees to meet with the local irrigation companies to discuss the findings of the report; and
3. Authorize the Public Works Director to report back with a plan to obtain surface water on a yearly and long term basis to recharge the groundwater and a budget accounting to implement such a plan.

The City Manager introduced the item, and Deputy Public Works Director/City Engineer Mike Reed presented the staff report. During the staff report he informed the Council that Dr. Schmidt was in attendance and available for questions.

Council Member Felipe Martinez inquired about the retrofitting of the dam, and asked if it was considered in the study. Public Works Director Baldo Rodriguez responded that he did not believe the study considered what was going on behind the dam, and that the focus was to make preparations which would allow the City to purchase water when it became available.

Council Member Felipe Martinez asked if the report addressed the recharging of water if additional water was not available for purchase. The Public Works Director indicated that the report did not get into specifics regarding what could be done with existing reclaimed water or recharging of the pond or porter slough; but instead provided information regarding what was being used, the quantity, and the amount needing to be replenished.

City Manager Lollis stated that the report provided a framework for development of options on how to address the recharging of water based on the General Plan and projected population.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council accept Dr. Kenneth D. Schmidt’s report as written, authorize the Public Works Director and his designees to meet with the local irrigation companies to discuss the findings of the report; and authorize the Public Works Director to report back with a plan to obtain surface water on a yearly and long term basis to recharge the groundwater and a budget accounting to implement such a plan. The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes.

18. CONSIDERATION OF CITY CHARTER AMENDMENT REGARDING THE SELECTION PROCESS FOR APPOINTMENTS TO CITY BOARDS, COMMISSIONS AND COMMITTEES
Recommendation: That the City Council consider defining a process for the appointment of members to City Boards, Commissions and Committees, as well as the means to codify such a process.

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

Council Member Pedro Martinez spoke about the most recent selection of appointments. He stated that the process was fair; that the Council should be able to determine the selection process; and recommended that the Council take no action.

Disposition: No action taken.

12. LIGHTING MAINTENANCE DISTRICT PROPOSED CONSOLIDATION

Recommendation: That the City Council:

1. Open the public hearing to hear public comment on the proposed consolidation of Lighting Maintenance Districts and revised assessment;
2. Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
3. Authorize the City Clerk’s Office to commence tabulation of the ballots; and
4. Adopt the resolution approving the Engineer’s Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

The City Clerk returned to the Council Chambers and announced that the proposed consolidation of the lighting maintenance district was not approved by voters. She indicated that 201 ballots had been received; 87 of which were in favor of the consolidation, and 114 of which were opposed.

Disposition: No action required.

19. REVIEW SKATE PARK POLICIES

Recommendation: That the City Council provide any needed clarification or change in direction to staff on skate park vandalism issues.

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

Vice Mayor Ward requested that staff explore proactive, cost-effective measures of deterring vandalism.

A discussion ensued about the liability associated with the monitoring of the skate park by
City staff, and possible methods for addressing the acts of vandalism. Staff was directed to bring back approaches to address vandalism for Council consideration.

Disposition: Staff direction provided.

The Council adjourned at 9:32 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY MINUTES

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

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY PUBLIC HEARING

PRA-1. REQUEST TO CONTINUE THE PUBLIC HEARING FOR THE 2010-2014 IMPLEMENTATION PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

Recommendation: That the Redevelopment Agency:
1. Open the Public Hearing for comments; and
2. Continue the Public Hearing to January 19, 2010

Chairman McCracken and Member Felipe Martinez recused themselves due to previously disclosed conflicts of interest and left the Council Chambers. City Attorney Lew indicated that Member Hamilton also had a conflict, but would remain to consider the item by rule of necessity.

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

The public hearing opened at 7:34 p.m.

AGENCY ACTION: MOVED by Member Hamilton, SECONDED by Vice Chair Ward that the Porterville Redevelopment Agency continue the public hearing to January 19, 2010.

The Porterville Redevelopment Agency adjourned at 9:35 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS

- Council Member Felipe Martinez indicated that there was a TCAG meeting on Monday and provided an update regarding the widening of Avenue 184 to Highway 99.
- Council Member Pedro Martinez commended the Police Department for their holiday shopping
patrol efforts, and requested that staff look into purchasing a document projector to be utilized during Council meetings.

- Mayor McCracken advised that there was a Mosquito Abatement District Committee meeting on Monday, following the TCAG meeting and asked if Council Member Felipe Martinez would attend in his place.
- Council Member Hamilton spoke about the Christmas Parade on Thursday, December 3rd.

**ADJOURNMENT**

The meeting adjourned at 9:42 p.m. to the meeting of December 8, 2009 at 6:30 p.m.

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Luisa Herrera, Deputy City Clerk

SEAL

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Pete V. McCracken, Mayor