Call to Order at 5:00 p.m.
Roll Call:  Council Member Irish, Council Member Martinez, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West

ORAL COMMUNICATIONS

- Greg Shelton, 888 North Williford Drive, voiced concern with maintaining the status quo with regard to the farming operation, questioned the validity of a local wheat rust outbreak and its effects on City crops, and requested access to the records purportedly required pursuant to the Farm Agreement. Mr. Shelton spoke against the current operation of the farm, spoke in favor of bidding out the farm contract, and provided documentation regarding farming to the Council.

SCHEDULED MATTER

1. AUDITOR’S DISCUSSION OF AGRICULTURAL MANAGEMENT AND GOLF COURSE OPERATION.

    City Manager John Longley presented the item and introduced City Auditor Steve Presley for discussion of the Agricultural Management and Golf Course Operation.

    Mr. Presley spoke of the level of

    The Council adjourned at 6:02 p.m. to the Regular Meeting of the Porterville City Council.

______________________________
Patrice Hildreth, Deputy City Clerk

SEAL

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Kelly West, Mayor
Call to Order at 6:02 p.m.
Roll Call: Council Member Irish, Council Member Martinez, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West

ORAL COMMUNICATIONS

- Greg Shelton, 888 N. Williford Drive, spoke regarding Closed Session Item A-4 and voiced support for including “non-card-carrying” individuals in the search for a Golf Course Manager.

CLOSED SESSION:

A. Closed Session Pursuant to:
   1. Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   2. Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   5. Gov. Code § 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Ron Irish
Invocation - a Moment of Silence was observed.

PRESENTATIONS

Employee Service Awards
- Richard Bartlett, Field Services, 15 years of service
- Joe Ramirez, Field Services, 15 years of service
- Wyndi Ferguson, Field Services, 10 years of service

ORAL COMMUNICATIONS

- Greg Shelton, address on record, voiced concern with comments made during the Study Session with regard to the farming operation. He voiced displeasure with net losses in the operation and attributed those losses to poor management. Mr. Shelton then reiterated his request to open the contract up to bid.
- Neil Smith, 55 North Hockett Street, came forward on behalf of the Rotary Club and reaffirmed the organization’s pledge of $15,000 towards the Skate Park, Item 3.
• Raul Pickett, 1501 E. Olive Avenue, spoke regarding a proposal submitted to the City regarding a volunteer income tax assistance program, and spoke of the needs of the community in this regard. He requested the City’s support in such a program.

CONSENT CALENDAR

Items 4 and 13 were removed.

Noting a potential conflict of interest, Council Member Irish indicated that he would abstain from the vote on Item No. 6.

1. CITY COUNCIL MINUTES OF NOVEMBER 1, 2005

Recommendation: That the City Council approve the City Council Minutes of November 1, 2005.

Documentation: M.O. 01-122005

Disposition: Approved.

2. CLAIMS - GUADALUPE L. GARCIA; ELROY L.GARCIA AND ESPERANZA JIMENEZ; NICANOR L. JIMENEZ; ABRAHAM S. OJEDA; MICAELENA V. JIMENEZ; AND, GUADALUPE L. GARCIA, DANIEL S. LOPEZ, MINOR, IMELDA L. SANCHEZ, MINOR, AND YANELLI S. LOPEZ

Recommendation: That the City Council reject said claims and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimants proper notification.

Documentation: M.O. 02-122005

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS - SKATE PARK PROJECT

Recommendation: That the City Council:

1. Accept the probable estimate of costs; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 03-122005

Disposition: Approved.

5. AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE HERITAGE CENTER TINY TOTS PLAYGROUND PROJECT

Recommendation: That the City Council, in accordance with City Council policy:

1. Reject all bids for the construction of Heritage Center Tiny Tots Playground; and
2. Authorize staff to modify the plans and specifications and re-advertise for the base project work, and separately for the combined alternate “A” and “B” work.

Documentation: M.O. 04-122005
Disposition: Approved.

6. INTENT TO VACATE A PORTION OF WILLOW AVENUE RELATED TO THE DEVELOPMENT OF LONG’S DRUG STORE ON HOCKETT STREET (SMITH’S ENTERPRISES)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate a portion of Willow Avenue and an easement for irrigation purposes; and
2. Set the Council Meeting of January 17, 2006, or as soon thereafter, as the time and place for a public hearing.

Documentation: Resolutions 175-2005, 176-2005
Disposition: Approved.

7. REQUEST FOR ONE (1) TEMPORARY MODULAR STRUCTURE TO BE UTILIZED AS A SALES OFFICE

Recommendation: That the City Council adopt the draft resolution and conditions of approval for the temporary modular structure for a period of time expiring on June 20, 2006.

Documentation: Resolution 177-2005
Disposition: Approved.

8. AUTHORIZATION FOR ACCESS TO DISTRICT SALES TAX INFORMATION

Recommendation: That the City Council authorize MBIA MuniServices Company to conduct audits of the one-half (½) cent district sales tax and notify the State Board of Equalization of that decision with an adopted and signed resolution.

Documentation: Resolution 178-2005
Disposition: Approved.

9. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN, EMPLOYEE BENEFIT TRUST FUND AND EMPLOYEE RETIREMENT SYSTEM

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2005-2006 and 2006-2007, the Employee Benefit Trust Fund,, and the Employee Retirement System, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.
10. ADDENDUM TO M.O.U. BETWEEN CITY/P.C.E.A., AND AMENDMENT TO CITY COUNCIL RESOLUTION NO. 67-2005

Recommendation: That the City Council accept the Addendum to the M.O.U. with the P.C.E.A., executed on May 3, 2005; and adopt the draft resolution amending Resolution No. 67-2005.

Documentation: Resolution 180-2005
Disposition: Approved.

11. CALTIP BOARD MEMBER RESOLUTION

Recommendation: That the City Council:
1. Approve the draft resolution designating Linda Clark as the City’s designee for representation on the CalTIP Board of Directors; and
2. Authorize the Mayor to execute the Resolution for submission to CalTIP.

Documentation: Resolution 181-2005
Disposition: Approved.

12. CHRISTMAS TREE RECYCLING

Recommendation: Informational only.

Documentation: M.O. 05-122005
Disposition: Accepted.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Item Nos. 1 through 3, 5, and 7 through 12. The motion carried unanimously.

MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Item No. 6.

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: Irish
ABSENT: None

4. AUTHORIZATION TO ADVERTISE FOR BIDS - TRAFFIC SIGNAL NO. 8 (PLANO STREET & MULBERRY AVENUE)

Recommendation: That the City Council:
1. Approve the Plans and Project Manual for Traffic Signal No. 8; and
2. Authorize staff to advertise for bids to construct a traffic signal at the intersection of Plano Street and Mulberry Avenue with appurtenances.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Council Member Stadtherr moved that the Council...

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council direct staff to bring a report back to the Council for consideration regarding the viability of proceeding with a roundabout at the intersection of Plano Street and Mulberry Avenue. The motion carried unanimously.

Disposition: Direction provided to staff.

13. STATUS UPDATE OF ORDINANCE TO REGULATE CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS

Recommendation: That the City Council receive and file the report.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council receive and file the report as presented by staff.

M.O. 07-122005 The motion carried unanimously.

PUBLIC HEARINGS

14. PORTERVILLE COMMERCIAL CENTER DRAFT ENVIRONMENTAL IMPACT REPORT

Recommendation: The staff report was presented for the Council’s information only and to allow the public to have comments included into the record.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap introduced Stephen Peck, AICP, of Quad Knopf, Inc., the consulting firm that prepared the draft Environmental Impact Report (“EIR”), who review the document.

The public hearing opened at 8:20 p.m.

- John Hale, a Bakersfield resident and project applicant, came forward and voiced support for the project.
- Daryl Nicholson, 26914 Avenue 140, spoke against the item, citing problems with three primary issues: 1) the property; 2) the project; and 3) the process.
- Greg Shelton, address on record, voiced concern for the project...
• Ben Ennis, 643 North Westwood Street, spoke in opposition to the item.
• Boyd K. Leavitt, 457 East Oak Avenue, agreed with comments made by Mr. Nicholson, and suggested that the applicant should also be required to prepare an Economic Impact Report. He voiced concerns with the draft EIR, particularly as it pertained to the removal of an Oak tree, and suggested that a double standard existed.
• Dick Eckhoff, 197 North Main Street, ...

The public hearing closed at 8:57 p.m. and immediately re-opened when an audience member voiced his desire to also speak.

• Felipe Martinez, 195 Putnam Avenue, questioned whether the traffic study had taken into account the proposed apartment complex at Date Avenue and E Street, and voiced concern with the process if it had not.

The public hearing closed at 8:59 p.m.

COUNCIL ACTION:   MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council ...

Disposition: Report received and public commentary accepted.

The Council recessed for ten minutes.

15.  TENTATIVE PARCEL MAP 5-2005 AND CONDITIONAL USE PERMIT 10-2005

Recommendation: That the City Council:
1. Adopt the draft resolution in support of the approval for Tentative Parcel Map 5-2005; and
2. Adopt the draft resolution in support of the approval for Conditional Use Permit 10-2005 subject to conditions of approval.

Council Member Irish noted a potential conflict of interest, recused himself from the discussion, and left the Council Chambers.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 9:42 p.m.

• Jim Winton, business address 150 West Morton Avenue, came forward on behalf of the applicant and spoke in favor of approval of the item.

The public hearing closed at 9:43 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution in support of the Resolution 182-2005 approval for Tentative Parcel Map 5-2005.
Resolution 183-2005

MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council adopt the draft resolution in support of the approval for Conditional Use Permit 5-2005.

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: Irish
ABSENT: None

Disposition: Approved.

16. INITIATION OF ANNEXATION 454 (WASTEWATER DISCHARGE REQUIREMENT 05-01-103)

Recommendation: That the City Council continue the public hearing to the January 17, 2006 Council Meeting to allow the City Council to consider it in conjunction with the Zone Change for the project.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Disposition: Continued.

SCHEDULED MATTERS

17. FARM MANAGEMENT AGREEMENT

Recommendation: That the City Council:
1. Direct staff to prepare the modifications to the existing Farm Management Agreement with Mr. Nuckols for the remaining two years; and
2. Authorize the Mayor to sign the revised agreement on behalf of the City.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve staff’s recommendation.

M.O. 08-122005

AYES: Irish, Stadtherr, West
NOES: Martinez
ABSTAIN: Hamilton
ABSENT: None

A discussion as to the project timeframe for initiating an RFP ensued, during which staff determined it to be at least a six to eight month process. The Council directed staff to commence the process in one year.

Disposition: Approved.

18. DRAFT ORDINANCE AMENDING SECTIONS 19-2, 19-3, 19-4, 19-5 AND 19-7 OF CHAPTER 19, ARTICLE 1, OF THE PORTERVILLE MUNICIPAL CITY CODE CONCERNING PARTICIPATION BY PORTERVILLE UNIFIED SCHOOL DISTRICT ON THE PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That the City Council approve the first reading of the draft ordinance, being an Ordinance of the City Council of the City of Porterville amending Sections 19-2, 9-3, 19-4, 19-5, and 19-7 of Chapter 19, of Article 1, of the Porterville Municipal Code concerning participation by the Porterville Unified School District on the Parks and Leisure Services Commission.

City Manager John Longley presented the staff report, and Parks & Leisure Services Director Jim Perrine presented the staff report.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Irish that the Council approve the first reading of the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 19-2, 9-3, 19-4, 19-5, AND 19-7 OF CHAPTER 19, OF ARTICLE 1, OF THE PORTERVILLE MUNICIPAL CODE CONCERNING PARTICIPATION BY THE PORTERVILLE UNIFIED SCHOOL DISTRICT ON THE PARKS AND LEISURE SERVICES COMMISSION. The motion carried unanimously.

M.O. 09-122005 MOVED by Council Member Martinez, SECONDED by Council Member Irish that the Council waive further reading and order the Ordinance to print. The motion carried unanimously.

Disposition: Approved.

19. CONSIDERATION OF IMPLEMENTATION OF NEW POLICE AND FIRE HIRINGS AND LITERACY PROGRAM SUPPORT

Recommendation: That the City Council authorize the hiring of additional police and fire fighters, and allocate literacy funding, consistent with the schedule as presented.
City Manager John Longley presented the item, and Deputy City Manager Frank Guyton presented the staff report.

COUNCIL ACTION: MOVED by Council Member ____, SECONDED by ____ that the Council authorize the hiring of additional police and fire fighters, and allocate literacy funding, consistent with the schedule as presented; and direct staff to draft employment contracts for those individuals for whom the City pays academy tuition, with a provision for reimbursement in the event the employee terminates employment within a certain number of years. The motion carried unanimously.

Disposition: Approved, as amended.

20. CONSIDERATION OF PRELIMINARY PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

Recommendation:

21. OFF-HIGHWAY VEHICLE PARK INSURANCE

Recommendation:

ORAL COMMUNICATIONS

• Greg Shelton, address on record, voiced concern with comments regarding a “witchhunt” and requested copies of all records pertaining to the farming operation, pursuant to the provisions of the farm contract. He then voiced displeasure with comments regarding the farming operation and the Council’s action that evening.

• Pete McCracken, 657 Village Green, spoke against governments being involved in the business of farming, and suggested that any RFP issued regarding Item 17 should be for services of Waste Water Compliance and not farming.

OTHER MATTERS

• Council Member Stadtherr suggested that staff look into the operational status of the drive-in.

The Council convened at 11:53 p.m. to Closed Session.

CLOSED SESSION

The Council reconvened at 12:21 a.m., and reported the following action:

A5- GOV. CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY MANAGER.

It was reported that the Council had approved the following:
1. A five percent step increase to Step E, effective January 1, 2006, based on duty performance during 2005;
2. No cost of living adjustment, pursuant to City Manager’s request;
3. Continuation of $5,000 annual allocation to deferred compensation, as provided in original contract;
4. Participation in University of Virginia-Senior Executive Institute Short Program during 2006; and the Senior Executive Institute Second Tier Program in 2006 or 2007; and
5. Duty hour flexibility to undertake a Spanish language program.

Documentation: M.O. 12-122005
Disposition: Approved.

ADJOURNMENT
The Council adjourned at 12:22 a.m. to the meeting of January 17, 2006

Patrice Hildreth, Deputy City Clerk

SEAL

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Kelly West, Mayor