CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
SEPTEMBER 4, 2007, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived immediately after roll call), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action took place.

Pledge of Allegiance Led by Council Member Pete V. McCracken
Invocation – a moment of silence was observed.

PROCLAMATION
Central California Family Crisis Center Day - September 11, 2007

PRESENTATION
Employee of the Month - Fred Beltran

ORAL COMMUNICATIONS
• Donnette Silva Carter, Porterville Chamber of Commerce, 93 North Main Street, congratulated Mr. Beltran, acknowledging his contributions to the City and the Community; spoke of the return of Music on Main Street, inviting the Council to attend the event that Friday at Centennial Park; and advised everyone of the Sierra Business
Conference scheduled for September 14, 2007 at the Galaxy Theater.

- Dick Eckhoff, 197 North Main Street, spoke of a “Pond Party” fundraising event for the City of Hope to take place approximately ½ mile east of Poplar on Highway 190 on September 29, 2007; lauded the efforts of the Chamber with regard to the Music on Main Street event; and requested clarification with regard to proposed Section 5-2.1 in Item No. 23.

**CONSENT CALENDAR**

Item Nos. 10, 17, 19 and 20 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF JULY 17, 2007**

Recommendation: That the City Council approve the City Council Minutes of July 17, 2007.

Documentation: M.O. 01-090407

Disposition: Approved.

2. **BUDGET ADJUSTMENT FOR THE 2007-2008 FISCAL YEAR**

Recommendation: That the City Council approve the budget adjustment presented, and authorize staff to modify revenue and expenditure estimates as described on the schedule provided.

Documentation: M.O. 02-090407

Disposition: Approved.

3. **REQUEST FOR APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT (POLICE DEPARTMENT)**

Recommendation: That the City Council approve the purchase of the FlashCAM-880 from Q-Star Technology, LLC.

Documentation: M.O. 03-090407

Disposition: Approved.

4. **REQUEST FOR APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT (WASTEWATER TREATMENT FACILITY)**

Recommendation: That the City Council approve the sole source purchase of the Sanitaire membrane diffusers and base plates.

Documentation: M.O. 04-090407

Disposition: Approved.

5. **CITY OF PORTERVILLE UNSOLVED HOMICIDES**
Recommendation: That the City Council authorize the use of Police Department Federal asset forfeiture funds to implement a cold case team.

Documentation: M.O. 05-090407
Disposition: Approved.

6. THIS ITEM HAS BEEN REMOVED.

7. REQUEST FOR COUNCIL STUDY SESSION ON THE SOUTH JAYE STREET PROJECT (STATE ROUTE 190 TO GIBBONS)

Recommendation: That the City Council direct staff to schedule a study session on the South Jaye Street Renovation Project.

Documentation: M.O. 06-090407
Disposition: Approved.

8. GENERAL PLAN CONTRACT AMENDMENT – REQUEST FOR APPROVAL OF A TIME EXTENSION

Recommendation: That the City Council:
1. Authorize the changed scope of services, to be paid for from the identified source;
2. Authorize the Mayor to sign an addendum to the original contract for services with Dyett and Bhatia; and
3. Authorize the establishment of a $20,000 contingency to be utilized for any essential modifications to the scope of work as determined by the Community Development Director.

Documentation: M.O. 07-090407
Disposition: Approved.

9. GRANT APPLICATION – STATE OFF HIGHWAY MOTOR VEHICLE RECREATION GRANTS PROGRAM

Recommendation: That the City Council:
1. Adopt the draft resolution approving the grant application for the 2007-2008 California Off Highway Motor Vehicle Recreation Grants Program; and
2. Authorize the Director of Parks and Leisure Services to sign the grant application and act as agent for the City of Porterville for this grant.

Documentation: Resolution 86-2007
Disposition: Approved.

11. 2006/2007 ANNUAL RECLAMATION AREA COST RECOVERY PROGRAM REPORT
Recommendation: Informational Only.

Disposition: Report received.

12. CONSOLIDATED WASTE MANAGEMENT AUTHORITY MEMBERSHIP AGREEMENT PAYMENT

Recommendation: That the City Council authorize:
1. Payment to CWMA in the amount of $53,708 for the City’s membership contribution; and
2. Forward a check to CWMA in the amount of $12,018 for the City’s portion of CWMA’s awarded funds received from California Department of Conservation.

Documentation: M.O. 08-090407
Disposition: Approved.

13. CITY/COUNTY JOINT PROJECT

Recommendation: That the City Council:
1. Accept Tulare County’s offer for the City/County Joint Project on Date Avenue; and
2. Authorize the Public Works Director to write a letter to Tulare County stating that the County’s offer to pay for $14,300 worth of cold mix asphalt is acceptable to the City of Porterville.

Documentation: M.O. 09-090407
Disposition: Approved.

14. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT SCRANTON AVENUE & INDIANA STREET RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Approve the draft resolution affirming the City Council’s support of the Scranton Avenue & Indiana Street Reconstruction Project;
2. Authorize the Mayor and City Manager to execute the Scranton Avenue & Indiana Supplemental Agreement;
3. Direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority;
4. Direct the Public Works Director to proceed with design, completion of CEQA and preparation of a City/County right of way agreement per Section 1810 of the Streets and Highway Code; and
5. Direct the Public Works Director to proceed with right of way appraisals and initiate right of way negotiations once the right of way agreement is executed by both agencies.
15. AIRPORT LIABILITY INSURANCE RENEWAL

Recommendation: That the City Council approve the renewal of the Airport Liability Insurance Policy under the same terms, conditions, and exclusions as the prior year.

Documentation: M.O. 10-090407
Disposition: Approved.

16. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH TULARE COUNTY

Recommendation: That the City Council enter into an Agreement with the County of Tulare for FY 2007-2008 to provide service to County residents within the Service Area Boundary Map, and authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 11-090407
Disposition: Approved.

18. STATUS REPORT ON NEW FIRE STATION LOCATION

Recommendation: Information Only.

Disposition: Report received.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve Item Nos. 1 through 9; 11 through 16, and 18. The motion carried unanimously.

10. ACCEPTANCE OF ARTWORK DONATION

Recommendation: That the City Council accept the donation of a Louis Velasquez artwork from Mike and Judy Cahill, and authorize its proper presentation within City Hall until such time as an appropriate and proper presentation can be accommodated within the City Library.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report. It was noted that the work of art was distinctive in that it was a historical piece painted by a local artist.

The Council requested that thank you letters be sent to the donors and the artist. The Council also evinced an interest in inviting the artist to City Hall for a re-dedication ceremony.
COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the donation of a Louis Velasquez artwork from Mike and Judy Cahill, and authorize its proper presentation within City Hall until such time as an appropriate and proper presentation can be accommodated within the City Library. The motion carried unanimously.

Disposition: Approved.

17. CODE ENFORCEMENT OFFICER UPDATE

Recommendation: Information Only.

City Manager John Longley presented the item, and Fire Chief Mario Garcia presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the report. The motion carried unanimously.

M.O. 13-090407

Disposition: Approved.

19. REVIEW OF FINAL CONTRACT QUANTITIES BY CITY STAFF RIVERWALK MARKETPLACE – REQUEST FOR ADDITIONAL TIME

Recommendation: That the City Council extend the date for acceptance or rejection of final construction costs by Ennis Commercial Properties, LLC for the Riverwalk and Jaye Street Corridor Project to September 18, 2007.

City Manager John Longley noted a conflict of interest and exited the Council Chambers.

Deputy City Manager John Lollis presented the item, and City Engineer Mike Reed presented the staff report, elaborating on the status of the project.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the Council extend the date for acceptance or rejection of final construction costs by Ennis Commercial Properties, LLC for the Riverwalk and Jaye Street Corridor Project to September 18, 2007. The motion carried unanimously.

M.O. 14-090407

Disposition: Approved.

20. AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE PORTERVILLE CHAMBER OF COMMERCE

Recommendation: That the Council approve the Agreement as presented between the City of
Porterville and the Porterville Chamber of Commerce.

City Manager John Longley presented the item.

Mayor Pro Tem Felipe Martinez apologized for missing the meeting with the Chamber and voiced concern with proceeding with the item without having met. Mayor Hamilton advised that he had met with the Chamber. Mayor Pro Tem Felipe Martinez then voiced an interest in seeing a quantitative measurement of the Chamber’s efforts with regard to its contractual obligations, such as with the Iris Festival.

- Donnette Silva Carter, CEO, Chamber of Commerce, came forward and indicated that figures regarding the Iris Festival had been included in the Chamber’s Annual Report previously provided to the Council.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the Agreement as M.O. 15-090407 presented between the City of Porterville and the Porterville Chamber of Commerce. The motion carried unanimously.

Disposition: Approved.

SECOND READING

21. ORDINANCE 1724, AMENDING CONTRACT WITH CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM

Recommendation: That the City Council give Second Reading to Ordinance No. 1724, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council give Second Reading to Ordinance No. 1724, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF PORTERVILLE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

22. AWARD OF CONTRACT – REMODEL OF FIRE STATION NO. 1 RESTROOM

Recommendation: That the City Council:
1. Inform Mr. Vargas that his bid is non-responsive to the project requirements and therefore must be rejected;
2. Award the Fire Station No. 1 Bathroom Remodel Project to Gary Interrante Construction in the amount of $75,630.00;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 10% contingency to cover unforeseen construction costs.

City Manager John Longley presented the item, and City Engineer Mike Reed presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct staff to inform Mr. Vargas that his bid is non-responsive to the project requirements and therefore must be rejected; award the Fire Station No. 1 Bathroom Remodel Project to Gary Interrante Construction in the amount of $75,630.00; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs. The motion carried unanimously.

Disposition: Approved.

23. ANIMAL CONTROL REGULATIONS – STATUS REPORT

Recommendation: That the Council consider the report and attachments; provide any further direction; and authorize the setting of a public hearing for the October 2, 2007 City Council Meeting, pending the development of the administrative citation regulations as a part of the ordinance.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report and updated the Council on the recent meeting with the City of Lindsay.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept the status report; and authorize the setting of a public hearing for the October 2, 2007 City Council Meeting, pending the development of the administrative citation regulations as a part of the ordinance. The motion carried unanimously.

Disposition: Approved.

24. REQUEST BY COUNCIL MEMBER - CONSIDERATION OF APPROPRIATION FOR PORTERVILLE BOYS & GIRLS

Recommendation: None.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report, which included some options for the Council’s consideration.

Council Member Hernandez spoke favorably of the Boys and Girls Club, commented on the needs of community youth, and of the importance for City involvement. He then moved that the Council
approve an annual allocation of $15,000 to the Youth Services Foundation.

Council Member McCracken agreed with Council Member Hernandez’s comments with regard to the merit of the Boys and Girls Club, yet voiced caution in financially supporting the organization. He commented that the Council should proceed fairly, and that in the event the Council chose to approve funding for the organization, other non-profits would undoubtedly come to the Council for the same consideration. He then noted that the Youth Services Foundation had not yet received its non-profit status, and that the provision of City funds to that organization would be premature. He then questioned whether the role of the City Council was to select a specific sub-group of the City and fund that group with taxpayers’ dollars.

In response to questions posed by Mayor Pro Tem Felipe Martinez, Mr. Perrine spoke of the status of the Youth Services Foundation and its efforts to finalize its 501(c)(3) documentation. A discussion ensued as to the possibility of the organization raising funds through participating in the Fireworks Booth Lottery.

Mayor Pro Tem Felipe Martinez seconded Council Member Hernandez’s motion, amending the motion to direct the funds through another non-profit in the event the Youth Services Foundation was unable to receive its non-profit status in time. In response to a question posed by Council, City Attorney Julia Lew indicated that, if needed, her office could provide assistance to the Youth Services Foundation in completing the 501(c)(3) documentation.

Council Member McCracken questioned why the Youth Services Foundation was better than the Boy Scouts, Rotary Club, Kiwanis, etc., noting that those organizations currently had non-profit status. He then reiterated his comments against the distribution of public funds to a private organization. He stated that prior to any action, the Council needed to thoroughly consider the issue in a manner that would protect the Council and future Councils, and treated everyone fairly, rather than singling out one group to receive a special advantage. He agreed that youth organizations were worthy, but voiced concern with the City funding them. Council Member McCracken then commented that the Boys and Girls Club was not yet even a member of the Youth Services Foundation, and that a contribution to the Youth Services Foundation on behalf of the Boys and Girls Club would be premature.

Mayor Pro Tem Felipe Martinez noted that the concept of the Youth Services Foundation was that it would be a conglomerate of local youth groups. He then spoke of the importance of positive role models on youth, and spoke of a mentor in his youth.

Council Member Pedro Martinez questioned how the item changed from a one-time allocation to the Boys and Girls Club to an annual allocation to the Youth Services Foundation. He then spoke in favor of including “Council Good Works Funds” in the City budget, such as the City of Tulare and the Board of Supervisors had. Council Member Martinez then stated that if the Council did choose to provide funding to the Boys and Girls Club he wanted to make certain it would be sufficient enough to ensure the success of the organization.

• Joe Inglebreck, Executive Director of the Boys and Girls Clubs of the Sequoias, came forward. He stated that currently, there were Clubs in Exeter and Farmersville. He stated that his organization was a 501(c)(3), and that the suggested amount of $15,000 would represent approximately 15% of its annual operating budget. He then spoke of
the group’s efforts in assessing the needs in the Porterville community and in fundraising. He commented that the organization had raised approximately $8,000 to $9,000 in the last 45 days. He stated that those funds were on deposit with the Kiwanis Club of Porterville, since technically, the Boys and Girls Club of Porterville did not yet exist. He stated that it could become an extension of an existing Boys and Girls Club. He then voiced his appreciation for the Council’s consideration of funding the organization, and stated that the Cities of Tulare, Visalia, Exeter, and Farmersville have all contributed to the local Boys and Girls Clubs. In response to a question posed by the Council, Mr. Inglebreck stated that the Porterville Club was currently in its chartering process and could complete the process in a matter of weeks once the fundraising was completed, perhaps by the end of the month. He stated that the goal was to open the Club’s doors by late October, 2007, and have 100 members by November 1, 2007.

Council Member Pedro Martinez clarified with the City Attorney that conditions could be placed on the funds. A discussion ensued as to the various options before the Council. Mr. Longley emphasized the need to fully consider the process. He stated that from a budget standpoint, staff encouraged proceeding in a planned fashion, thereby placing consideration in either January or June when the Budget was routinely reviewed. He stated that the Budget should be the master of the process.

Mayor Hamilton noted that Council Member Hernandez’s motion would make the donation a structural budget line item forever. He recalled that the impetus of the item had actually been a challenge put forth for the City to make a contribution towards the start-up fundraising of which Mr. Inglebreck spoke. He commented on the merit of the organization, yet voiced concern with the direction the Council was heading.

Council Member McCracken moved that the Council continue consideration of the item until the budget review in January 2008. The motion died for lack of a second.

Council Member Hernandez withdrew his motion.

Council Member Pedro Martinez clarified with Mr. Inglebreck that his organization would need the start-ups funds by January 2008.

A discussion ensued as to the DOJ Grant the Boys and Girls Club was seeking. Mayor Hamilton noted the importance of the community supporting the Club, yet spoke against proceeding with an annual allocation.

- Mr. Inglebreck elaborated on the grant, stating that continuing grant funding was based on results. He stated that the burden of support would fall on the shoulders of the community. He then suggested that the Council consider a challenge donation. He stated that the City could challenge the community to match the donation up to $15,000. He commented that the City of Exeter did so, and it was quite effective.

Council Member Hernandez moved that the City Council approve a one-time contribution to the Boys and Girls Club in the amount of $15,000, and also direct staff to review the non-profit status of the Youth Services Foundation, and schedule a study session to consider a process for channeling future contributions through Youth Services Foundation.
Mayor Pro Tem Felipe Martinez seconded the motion.

Council Member Pedro Martinez amended Council Member Hernandez’s motion to approve a one-time contribution to the Boys and Girls Club, matching the funds raised by the Boys and Girls Club as of December 31, 2007, in an amount up to $15,000, from City reserves; to direct staff to review the non-profit status of the Youth Services Foundation; and to schedule a study session in January 2008 to consider the process for channeling future contributions through Youth Services Foundation.

- Mr. Inglebreck came forward and introduced Boys and Girls Club Alumna Katie Garrett.
- Katie Garrett came forward and shared with the Council the positive influence the Boys and Girls Club has had on her life.

The Council thanked Ms. Garrett for sharing her story and praised her eloquence.

Council Member Hernandez and Mayor Pro Tem Felipe Martinez accepted the amendment put forth.

Mr. Longley clarified that the Council’s action that evening, if the motion carried, would constitute a pledge. He stated that the amount of the donation would be established the last day of 2007, with the actual check being written in January 2008.

Council Member McCracken reiterated his concerns with the procedure and proposed action, commenting that the action was fiscally irresponsible and would create future problems. He suggested that the Council take the time to research the issue before taking any action. A brief discussion ensued.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez, AS AMENDED by Council Member Pedro Martinez that the Council approve a one-time contribution to the Boys and Girls Club, matching the funds raised by the Boys and Girls Club as of December 31, 2007, in an amount up to $15,000, from City reserves; to direct staff to review the non-profit status of the Youth Services Foundation; and to schedule a study session in January 2008 to consider the process for channeling future contributions through the Youth Services Foundation.

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

Disposition: Approved.

The Council recessed for ten minutes.

The Council adjourned at 9:03 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
Roll Call: Member McCracken, Member Pedro Martinez, Vice-Chairman Felipe Martinez, Member Hernandez, Chairman Hamilton

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

REDEVELOPMENT SCHEDULED MATTERS
PRA-1. AUTHORIZATION TO NEGOTIATE A CONTRACT FOR DESIGN SERVICES FOR THE HOCKETT/MILL/OAK PARKING LOT RENOVATION

Recommendation: That the Redevelopment Agency:
1. Authorize staff to negotiate a contract with Dee Jaspar & Associates, Inc.;
2. Authorize staff to negotiate a contract with the second and third ranked firm if staff is unable to negotiate an acceptable contract with Dee Jaspar & Associates, Inc.;
3. Authorize the Public Works Department to sign all contract documents; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Agency Member McCracken noted a conflict of interest, recused himself from the discussion, and exited the Council Chambers.

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

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Hernandez that the Agency authorize staff to negotiate a contract with Dee Jaspar & Associates, Inc.; authorize staff to negotiate a contract with the second and third ranked firm if staff is unable to negotiate an acceptable contract with Dee Jaspar & Associates, Inc.; authorize the Public Works Department to sign all contract documents; and authorize staff to make payments up to 100% upon satisfactory completion of the work.

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

Disposition: Approved.

The Redevelopment Agency adjourned at 9:05 p.m. to a Meeting of the City Council.

ORAL COMMUNICATIONS
• Donnette Silva Carter, address on record, spoke of the Chamber’s new Business Directory and distributed copies of same to the Council.
• Joe Guererro, 332 South F Street, commended the Council on its decision with regard to the Boys and Girls Club, noting the need to support and engage Porterville’s youth.
• Dick Eckhoff, thanked the Council for its action on Item PRA-1 and Item 24.
• Roy Crabtree, 485 W. Montgomery, spoke of Item No. 18, and inquired as to the status of the South Jaye Street Improvement Project. Mr. Crabtree was informed by Council and staff that funding had not yet been identified for that particular project, but that staff had been working on concepts which would be reviewed at an upcoming study session. Mr. Longley stated that if Mr. Crabtree provided his contact information, the Clerk’s office would advise him of the study session, once scheduled.

**OTHER MATTERS**

• Council Member Pedro Martinez:
  1. Spoke of the large number of new employees at the City and requested that the new employees come before the Council, perhaps on a rotating basis; and
  2. Thanked the Chamber for its hard work and commended its new Business Directory.
• Council Member Hernandez:
  1. Congratulated the Chamber for its hard work; and
  2. Spoke of his personal satisfaction in helping Porterville’s youth by assisting the Boys and Girls Club.
• Mayor Pro Tem Felipe Martinez spoke of:
  1. His recent meeting in San Bernardino with legislators; and
  2. A meeting he attended that day with legislative staff members to address issues pertaining to the Sierra and Sequoia National Forests.

**ADJOURNMENT**

The Council adjourned at 9:19 p.m. to the meeting of September 10, 2007 at 6:00 p.m.

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Patrice Hildreth, Acting Chief Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor