CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
OCTOBER 2, 2007, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

City Manager John Longley indicated that he had been advised that a conflict of interest existed with regard to Closed Session Item No. A2, and therefore he would excuse himself from that discussion.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION


City Attorney Julia Lew reported that the Council had unanimously approved the purchase of 430 sq. ft. of real property, located at APN 269-020-073, for right of way purposes, from the Robert Arnold Ruffa and Carolyn Lucienda Ruffa Revocable Trust in the amount of $9,460.

Documentation: Resolution 91-2007  
Disposition: Approved

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation – a moment of silence was observed.

PRESENTATION
Employee of the Month - Patrice Hildreth
Introduction of New City Employees
Youth Center – 100K Decade

PROCLAMATION
“Denim Day” – October 17, 2007

ORAL COMMUNICATIONS

• Ian Hammer, 439 North Murry, came forward representing the Barn Theater, and requested that the Council consider adding an urgency item to that evening’s agenda. Mr. Hammer indicated that the Barn Theater staff had inadvertently failed to timely submit its civic event application for its annual event The Barn Theater Buzzard Festival, which was to be held on October 13, 2007.

URGENCY ITEM NO. 1. BARN THEATER’S REQUEST TO ADD ITEM TO OCTOBER 2, 2007 AGENDA

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez to add an item to the October 2, 2007 agenda. The motion carried unanimously.

Disposition: Approved

• Lisa Burns, a teacher at Roche Avenue School, came forward and advised the Council of a sewer back-up that occurred at Roche Avenue School on September 26, 2007, and spoke of the resulting damages and losses incurred. Ms. Burns indicated that the school had endured a previous sewer back-up which resulted in significant damage, and requested that the City resolve the issue so that it did not happen again.

• (Name inaudible), a sixth grade student at Roche Avenue School, spoke of the plumbing problem and sewer back-up at her school, and informed the Council of the damages that the school, teachers, and students had suffered because of the problem.

• (Name inaudible), a sixth grade student at Roche Avenue School, advised the Council of the sewer back-up at his school, of the poor condition of the school’s restroom facilities, and requested that the Council assist them.

• Mickey Vasquez, a sixth grade student at Roche Avenue School, spoke of the sewer back-up at her school, particularly from a health and safety point of view. Ms. Vasquez then advised of the poor condition of the school restroom facilities, and requested the Council’s assistance in resolving the matter.

• Sierra Lopez, Student Body President at Roche Avenue School, spoke of the sewer back-up at her school, of the resulting damages, and of the poor condition and lack of sufficient restroom facilities at the school. She requested the Council's assistance in making the public aware of the problem for possible fund raising efforts.

• Donnette Silva Carter, 93 North Main Street, came forward on behalf of the Porterville Chamber of Commerce and the Tulare County Economic Development Corporation. She provided the Council with copies of the Sequoia Valley Tourism Update, reviewed the literature provided, and offered information as to the efforts made with regard to promoting the City of Porterville.
CONSENT CALENDAR

Item No. 5 was removed for further discussion.

1. CITY COUNCIL MINUTES OF SEPTEMBER 10, 2007


COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Minutes of September 10, 2007.

M.O. 02-100207

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

Disposition: Approved

2. CLAIM - ERICA MEJIA

Recommendation: 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. 03-100207

Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 31 PROJECT (DRILLING PHASE)

Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.

Documentation: M.O. 04-100207

Disposition: Approved

4. AUTHORIZATION TO ADVERTISE FOR BIDS – EFFLUENT PIPELINE AND LAND LEVELING PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 05-100207

Disposition: Approved
6. SUNRISE VILLA 2 & 3 TENTATIVE SUBDIVISION MAP – EXTENSION OF TIME

Recommendation: That the City Council adopt the draft resolution approving a two (2) year extension of time for Sunrise Villa 2 & 3 Tentative Subdivision.

Documentation: Resolution 92-2007
Disposition: Approved

7. RED HAWK ESTATES TENTATIVE SUBDIVISION MAP – EXTENSION OF TIME

Recommendation: That the City Council adopt the draft resolution approving a three (3) year extension of time for Red Hawk Estates Tentative Subdivision.

Documentation: Resolution 93-2007
Disposition: Approved


Recommendation: Information Only

9. CANCELLATION OF FALL COMMUNITY CLEAN UP EVENT

Recommendation: That City Council:
1. Cancel the City’s “Fall Clean Up Day”; and
2. Encourage all residents to clean up their properties and take advantage of the County’s half price week at the landfill October 22 through October 27, 2007.

Documentation: M.O. 06-100207
Disposition: Approved

10. APPROVAL FOR COMMUNITY CIVIC EVENT VETERANS’ HOMECOMING COMMITTEE VETERANS’ DAY PARADE – NOVEMBER 12, 2007

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Veterans’ Homecoming Committee, subject to the stated requirements contained in Exhibit “A”.

Documentation: M.O. 07-100207
Disposition: Approved

11. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE POLICE DEPARTMENT
Recommendation: That the City Council adopt the draft resolution authorizing a change in the Table of Organization in the Investigative Service Division of the Police Department.

Documentation: Resolution 94-2007
Disposition: Approved

12. RENEWAL OF PERSONNEL EXAMINATION SERVICE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

Recommendation: That the City Council:
1. Approve the resolution authorizing the renewal of the Test Security Agreement with Cooperative Personnel Services; and
2. Authorize the City Manager or his designee to sign on behalf of the City.

Documentation: Resolution 95-2007
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve items 2 through 4, and 6 through 12. The motion carried unanimously.

5. AWARD OF CONTRACT – TRAFFIC SIGNAL #9 (OLIVE AVENUE AND MATHEW STREET) PROJECT

Recommendation: That City Council:
1. Award the Traffic Signal #9 (Olive Avenue & Jaye Street) Project to Loop Electric in the amount of $222,000;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs;
4. Authorize the Public Works Director to bill Burton School District for their share of construction costs ($14,000); and
5. Authorize a “not to exceed” $15,000 for the project to cover staff administration and soil testing costs.

Council Member Hernandez noted that there was a typo in staff’s recommendation No. 1. Public Works Director Bald Rodriguez confirmed that Jaye Street should be corrected to Mathew Street.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council award the Traffic Signal #9 (Olive Avenue & Mathew Street) Project to Loop Electric in the amount of $222,000; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs; authorize the Public Works Director to bill Burton School District for their share of construction costs ($14,000); and authorize a “not to exceed”
$15,000 for the project to cover staff administration and soil testing costs. The motion carried unanimously.

Disposition: Approved, as amended.

PUBLIC HEARINGS

13. ORDINANCE SETTING FORTH COMPREHENSIVE CHANGES TO CITY’S ANIMAL CONTROL REGULATIONS

Recommendation: That the City Council:
1. Hold the public hearing concerning the proposed ordinance;
2. Consider the draft regulations; and
3. Approve and give first reading to the Ordinance of the City Council of the City of Porterville Repealing Chapter 5, Sections 5-1 through 5-4.6, and Replacing it with Chapter 5, Sections 5-1 through 5-5.1 of the Porterville Municipal Code Pertaining to Animal Control.

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

The hearing opened to the public at 7:51 p.m.

- Dick Eckhoff, 197 N. Main Street, spoke of questions and concerns that he had about the proposed ordinance.

The hearing closed to the public at 7:57 p.m.

The City Attorney briefly addressed some of the questions presented, and stated that she would further review the list if the Council wished to continue the item.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council continue the public hearing to the October 16, 2007 City Council Meeting to allow the City Attorney time to review the questions presented. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS
Urgency Item.

APPROVAL FOR COMMUNITY CIVIC EVENT – BARN THEATER BUZZARD FESTIVAL – OCTOBER 13, 2007

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A”
of the Community Civic Event Application. The motion carried unanimously.

Disposition: Approved

14. GOLF COURSE STATUS REPORT

Recommendation: That the City Council receive the Golf Course Status Report from the Parks & Leisure Services Director and the Head Professional as an informational update.

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

Jeff Gilwitz, Head Professional, came forward and spoke about the local market served by the golf course, and the possibility of establishing a monthly fee for juniors.

Disposition: Informational report.

15. INSTALLATION OF TEMPORARY TRAFFIC CALMING DEVICE AT CASAS BUENA VISTA SUBDIVISION

Recommendation: That the City Council:
1. Direct the Public Works Director to install or have installed a temporary bump-out with “advanced notice” ceramic buttons along Rio Vista Avenue located in the Casas Buena Vista Subdivision;
2. Monitor the effectiveness of the bump-out over a six month period with assistance from the area residents; and
3. Bring back a staff report at the end of the monitoring period with recommendations on whether to move forward with a permanent bump-out or remove the temporary bump-out and call it good or other options.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council direct the Public Works Director to install or have installed a temporary bump-out with “advanced notice” ceramic buttons along Rio Vista Avenue located in the Casas Buena Vista Subdivision; monitor the effectiveness of the bump-out over a six month period with assistance from the area residents; and bring back a staff report at the end of the monitoring period with recommendations on whether to move forward with a permanent bump-out or remove the temporary bump-out and call it good or other options, as amended to direct staff to provide Council with a status report via memorandum, the
utilization of reflective paint, and to research the viability of a crosswalk. The motion carried unanimously.

Disposition: Approved, as amended.

16. CONSIDERATION OF ESTABLISHING PRIORITY PROJECTS FOR 2008

Recommendation: Set a date for a study session on an off-Tuesday in the Library’s Conference Room, for a review of priority projects in 2007 and 2008.

City Manager Longley introduced the item and presented the staff report. Council briefly discussed the scheduling of the study session and directed staff to schedule an agreeable date in November, with a preference of Saturday morning.

Disposition: Direction provided.

The City Council adjourned at 8:40 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

REDEVELOPMENT SCHEDULED MATTERS
PRA-1. CONSIDERATION OF AN AUDIT OF THE REDEVELOPMENT AGENCY TAX INCREMENT CALCULATION

Recommendation: That the Porterville Redevelopment Agency authorize staff to include an audit of Project Area #1 as part of a Project Area Expansion and one year following the expansion.

Secretary Longley introduced the item, and Development Associate Linda Wammack presented the staff report, which included the following options for Agency consideration.

1. Authorize staff to negotiate with MuniServices Company for an audit of Project Area #1, with twenty-five percent (25%) of revenues generated by the audit being allocated for payment of the service.
2. Authorize staff to appropriate funds to conduct an audit of Project Area #1 during the 2008-2009 fiscal year.
3. Authorize staff to include an audit of the existing Redevelopment Area at the time of a Project Area expansion and one year following the expansion.

City Attorney Lew confirmed that Agency Member Pedro Martinez had no conflict. A discussion then ensued in which the options for consideration were further explained for clarification.

AGENCY ACTION: MOVED by Agency Member McCracken, SECONDED by Agency Member Hernandez that the Agency approve Options 1 and 3.

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

Disposition: Denied

Secretary Longley suggested that the Agency approve Option 1 at that time, and indicated that staff would bring back an appropriate recommendation under Option 3 at a subsequent time.

AGENCY ACTION: MOVED by Agency Vice Chair Felipe Martinez, SECONDED by Agency Member Pedro Martinez that the Agency Authorize staff to negotiate with MuniServices Company for an audit of Project Area #1, with twenty-five percent (25%) of revenues generated by the audit being allocated for payment of the service. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency adjourned at 8:51 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Pedro Martinez spoke favorably of the Elks/P.A.L. “Soccer Shoot” event recently held at Putnam School, and informed everyone of another similar event scheduled for Saturday, October 6th at the Sports Complex. Council Member Martinez indicated that P.A.L. was looking into holding another event with another school in the future.
- Council Member Hernandez spoke of his recent participation at a BBQ Contest in Clovis, and spoke of that Community's involvement. He commented that the experience made him appreciative of the Porterville community, and applauded Porterville citizens for their involvement in civic and community events.
- Mayor Hamilton advised of a trip to Washington D.C. tentatively scheduled for November 7, 2007 pertaining to the Success Dam Remediation, and indicated that he
would be unable to attend. He requested that the Council consider who might be able to travel in his place.

**ADJOURNMENT**

The Council adjourned at 8:55 p.m. to the meeting of October 16, 2007.

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**SEAL**

Patrice Hildreth, Acting Chief Deputy City Clerk
By: Luisa Herrera

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Cameron Hamilton, Mayor