Called 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:
3-Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.
5-Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
None

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation – one individual participated.

PROCLAMATIONS
Day of Prayer

PRESENTATIONS
Employee Service Awards
Miss Porterville & Her Court

ORAL COMMUNICATIONS
- Greg Shelton, 888 North Williford Drive, spoke against Item No. 9, commenting that spending one-half million dollars did not make sense, especially on a parking lot that would not provide a place for the children to play ball.
Joe Engelbrecht, Executive Director of the Boys & Girls Club of the Sequoias, came forward and updated everyone on the opening of the Porterville Boys & Girls Club on October 23rd. He spoke of their successful fund raising drive from which $87,000 thus far had been raised, and reminded the City of its commitment to match up to $15,000.

Council Member Hernandez spoke favorably of the Porterville Boys and Girls Club, noting the positive impact the Club would have on Porterville’s youth.

Council Member Pedro Martinez inquired whether the City had made payment of the $15,000 to the Club. Mr. Longley confirmed that once Mr. Engelbrecht provided the necessary documentation, a check in the amount of $15,000 would be immediately provided.

Dick Eckhoff, business address at 197 North Main Street, voiced concern with proceeding with the parking lot for the Heritage Center Ballfields, rather than something on which the children could play.

Rhonda McKinney, a Porterville resident and Pharmacy Technician at the Porterville Development Center (“PDC”), voiced concern with the prison system luring a large number of qualified staff to the prison system with higher pay. She noted that services would soon be compromised, and requested that the Council write to the Department of Developmental Services to request a resolution to the disparity.

Janet Alexander, a Porterville resident and RN at PDC, voiced concern with the mass exodus of staff from the Developmental Center to the prison system due to the lure of higher wages. She requested that the City assist them in seeking a solution.

Patty Breland, Porterville resident and RN at PDC, voiced concern with the disparity in wages between the Developmental Center and the prison system, and the consequential loss of PDC staff to the prisons. She requested the Council’s assistance in resolving the issue.

Bree Vasanchos, representing SCIU, a union representing some of the affected employees at the Developmental Center, voiced concern with the increased wages at the prison system, and the subsequent negative impact on PDC.

Herb Forrester, 606 West Mulberry, voiced concern with the location of proposed park areas on the draft General Plan, and suggested that the proposed park location at the extension of Villa Street and Westfield would be better if it was connected to the Monte Vista School playground.

CONSENT CALENDAR

Item No. 9 was removed for further discussion; and Item No. 21 was removed for abstention by Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez.

1. CITY COUNCIL MINUTES OF FEBRUARY 2, 2007 AND FEBRUARY 16, 2007


Documentation: M.O. 01-121807

Disposition: Approved
2. CLAIM – CATALINA PANIAGUA

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. 02-121807
Disposition: Approved

3. CLAIM – WILLIAM MCCORORY

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. 03-121807
Disposition: Approved

4. CLAIM – RUBEN ROMANDIA

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. 04-121807
Disposition: Approved

5. CLAIM – JUAN ARMENTA

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. 05-121807
Disposition: Approved

6. AUTHORIZATION TO ADVERTISE FOR BIDS – AIRPORT TOXIC REMEDIATION 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. 06-121807
Disposition: Approved
7. AUTHORIZATION TO ADVERTISE FOR BIDS – RELOCATION OF ELECTRICAL SERVICE PANEL FOR LIFT STATION #15

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. 07-121807
Disposition: Approved

8. AUTHORIZATION TO ADVERTISE FOR BIDS – MATHEW AND WESTFIELD STORM DRAIN 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. 08-121807
Disposition: Approved

10. AWARD OF CONTRACT – EFFLUENT PIPELINE AND LAND LEVELING

Recommendation: That the City Council:
1. Award the Effluent Pipeline and Land Leveling Project to Guinn Construction in the amount of $862,479.50;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 09-121807
Disposition: Approved

11. AIRPORT FIRE FACILITY

Recommendation: That the City Council:
1. Approve the purchase and transfer of title for the one acre parcel in the Airport Industrial Area to the General Fund for future Fire Department use;
2. Approve the appropriated fund and payment of the one acre parcel as delineated in the Summary Budget report; and
3. Authorize the Mayor to sign all documents.

Documentation: M.O. 10-121807
Disposition: Approved
12. AGREEMENT WITH PRAXAIR SERVICES, INC., FOR TESTING NEAR AIRPORT WATER DEPARTMENT WELL

Recommendation: Authorize the City Manager to accept Proposal 38986El from Praxair Services, Inc.

Documentation: M.O. 11-121807
Disposition: Approved

13. AIRPORT HANGAR PURCHASE – DR. W. CREAGER, LOT 31C AIRPORT HANGAR

Recommendation: That City Council:
1. Authorize the budget adjustment of $82,000 for the purchase of the hangar complete (and escrow fees) from the Airport Capital Fund;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize staff to open an escrow with a deposit $5,000 earnest money and the City paying usual and customary escrow fees;
4. Authorize staff to make the payment to Dr. Westel Creager in the amount of $80,000 less his share of the escrow fees; and
5. Authorize staff to record all necessary documents with the County Recorder.

Documentation: M.O. 12-121807
Disposition: Approved

14. AIRPORT LEASE RENEWAL – LOT 17

Recommendation: That the Council approve the Lease Agreement between the City of Porterville and Mr. Eddie G. Wood of Porterville Aviation, Inc., for Lot 17A at the Porterville Municipal Airport; and further, that Council approve the revised site description for Lot 17 and Property Plat.

Documentation: M.O. 13-121807
Disposition: Approved

15. THIS ITEM HAS BEEN REMOVED

16. RIVERWALK ARCHITECTURAL ELEVATIONS

Recommendation: That the City Council approve the proposed architectural elevations, colors and materials for building pads, 1, 2, 5 and Mayor “D”.

Documentation: M.O. 14-121807
Disposition: Approved
17. AUTHORIZATION TO PROCEED – DESIGN AND INSTALLATION OF STREETLIGHT AT CASAS BUENA VISTA COMMON AREA

Recommendation: That City Council:
1. Authorize staff to notify Edison to proceed with design of the streetlight;
2. Authorize staff to request informal bids for installation of required conduit and hand holes and, if bids are $5,000 or less, proceed with construction; and
3. Authorize staff to release payment to Edison for installation of the streetlight.

Documentation: M.O. 15-121807
Disposition: Approved

18. AMENDMENT TO THE EMPLOYEE PAY & BENEFIT PLAN

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 126-2007
Disposition: Approved

19. AMENDMENT TO THE SEASONAL AND PART-TIME PAY RATES

Recommendation: That the City Council:
Adopt the draft resolution amending the City’s Employee Pay and Benefit Plan, Seasonal and Part-time Pay Rates for FY 2007-08, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 127-2007
Disposition: Approved

20. RELEASE AND COMPROMISE AGREEMENT BETWEEN CITY OF PORTERVILLE AND CHARTER COMMUNICATIONS CORPORATION

Recommendation: That the City Council approve the Release and Compromise Agreement between the City and Charter Communications

Documentation: M.O. 16-121807
Disposition: Approved

22. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – CONSIDERATION OF SUPPORT OF A RESOLUTION URGING ACTION TO EQUALIZE PAY
Recommendation: As a result of on-going discussions regarding the issue, it is recommended that the City Council approve the draft Resolution Urging Action to Equalize Pay between Development Service and Correctional Employees, and authorize the Mayor to execute the Resolution.

Documentation: Resolution 128-2007
Disposition: Approved

21. REQUEST TO NOTIFY ASSEMBLYMAN BILL MAZE THAT THE CITY OF PORTERVILLE SUPPORTS LEGISLATION

Recommendation: That the City Council advise Assemblyman Maze that the City would support legislation similar to the Elk Valley Rancheria law (AB1172) of 2003.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the City Council advise Assemblyman Maze that the City would support legislation similar to the Elk Valley Rancheria law (AB1172) of 2003.

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

Disposition: Approved

9. AWARD OF CONTRACT FOR HERITAGE BALL FIELDS PHASE 1 PARKING LOT & PICNIC AREA PROJECT

Recommendation: That the City Council:
1. Award the Heritage Ball Fields Project Phase 1 Parking Lot & Picnic Area Base Bid and Add Alternate 1 to Halopoff & Sons, Inc. in the amount of $506,132.11;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

The City Manager Longley introduced the item. In response to questions posed by Council, Parks & Leisure Services Director Perrine addressed funding for ballfields, and Community Development Director Dunlap elaborated on the use of Section 108 funds.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the City Council award the Heritage Ball Fields Project Phase 1 Parking Lot & Picnic Area Base Bid and Add Alternate 1 to Halopoff & Sons, Inc. in the amount of $506,132.11; 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

Before the Public Hearing Item, and at the Mayor’s request, Police Chief McMillan introduced Sergeant Bryan Clower, who had been promoted to a Supervisor.

PUBLIC HEARINGS
23. COMPREHENSIVE GENERAL PLAN UPDATE, INCLUDING ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND URBAN WATER MANAGEMENT PLAN

Recommendation: That the City Council receive public testimony on the City’s Draft Comprehensive General Plan Update, including associated Environmental Impact Report and Urban Water Management.

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

The Council recessed for 10 minutes.

The hearing opened to the public at 8:57 p.m.

• Greg Shelton, 888 N. Williford Drive, spoke of parks and their placement; the impact of the General Plan on individuals; the complicated nature of the Plan; requested that the zoning definitions be provided; and inquired about the valuable inland property.

• Dick Eckhoff, 197 N. Main, expressed concern over the water supply; spoke of the need to minimize waste use and increase re-use; spoke favorably of the focus on the downtown area; and acknowledged staff and the consultants for their hard work.

• Eleanor Forrester, 606 W. Mulberry, applauded the plan, and suggested that parks be positioned adjacent to schools to allow for shared parking.

• Mitch Brown, 14200 Road 284, voiced concern with the plan’s impact on his properties, and stated that it needed more work.

• Henry Garibay, Highway 65 corridor, inquired about a four-way stop at Highway 65 and Avenue 181.
• Mary McClure, 23149 Joseph Court, voiced concern with the zoning of her property on Highway 190; commented on proposed housing along North Main Street; and indicated that she had difficulty deciphering the map she purchased from the City.

• John Snavely, 538 West Kanai Avenue, Member of the General Plan Advisory Committee, Superintendent for the Porterville Unified School District, and Chamber of Commerce Board member, spoke in favor of the Plan and commended staff for their hard work and public notification.

• Steve Riddle, 234 Avenue 178, spoke against the proposed General Plan; stated his property was designated for a school; indicated that the Plan needed more work and more exposure to the public; and suggested a mailing list.

• John Miller, Ducor resident, spoke of the difficulty he had understanding the map, and expressed concerns he had about open space, air quality, and alternative energy sources.

• Al Saleash, property owner at Westfield and Prospect, spoke of his local businesses.

• Jim Tank, 1658 North Prospect, voiced concern with the Plan; noted the impact of action; and spoke of nearby recreational opportunities.

• Steve Riddle, address on record, spoke of the State’s disinterest in properties that were former dairies, and expressed concern with his property being designated for school development.

• Greg Woodard, 1055 West Morton, Member of the General Plan Advisory Committee, and Chairperson of the Chamber’s Economic Development Committee, spoke in favor of the proposed General Plan, and thanked staff for their hard work.

• Don Brown, 971 Jennifer, Superintendent of the Burton School District, noted the tentative nature of the school locations; commended staff for their long range vision; and requested that the Council stick with the Plan.

    The hearing closed to the public at 9:48 p.m.

    In response to questions posed by Council, Mr. Dunlap elaborated on the notification efforts made by staff throughout the General Plan development process.

    Council Member Pedro Martinez requested that the public hearing be continued, and an additional meeting be scheduled for the second week of January to receive additional public comment. Staff was directed to notify members of the public who gave testimony, and to make “easy to read” maps available for public viewing.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council continue the public hearing to an adjourned meeting scheduled for Saturday, January 12, 2008. The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes.

SCHEDULED MATTERS

24. BURTON SCHOOL DISTRICT REIMBURSEMENT – MATHEW STREET IMPROVEMENTS

Recommendation: That the City Council:
1. Approve staff’s plan to assess the Mathew Street improvement costs on the Nazarene Church site based on a proportional basis (acreage) and advance the monies collected to the Burton School District;
2. Approve collecting the remaining reimbursement costs when the ball field area is developed and in a time line consistent with Resolution 89-2006;
3. Approve in concept staff’s plan to exercise an “option” to expand the City’s recreational program in partnership with the Nazarene Church; and
4. Direct the City Attorney and Public Works to develop an agreement between the City and Nazarene Church, and authorize the Mayor to execute the agreement based upon the direction provided in the staff report.

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

Mayor Hamilton opened the item up for public comment.

• Don Brown, Superintendent of Burton School District, stated that he had hoped the City would make good on its promise to recover the funds expended by the school district for the widening of Mathew Street.

• Pastor Mark Pitcher, Church of the Nazarene, stated he greatly appreciated the City meeting with them to discuss the complex issue.

A discussion ensued regarding the issue of improvements along Mathew Street, the associated costs and proposed reimbursement on a prorated basis.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve staff’s plan to assess the Mathew Street improvement costs on the Nazarene Church site based on a proportional basis (acreage) and advance the monies collected to the Burton School District; approve collecting the remaining reimbursement costs when the ball field area is developed and in a time line consistent with Resolution 89-2006; approve in concept staff’s plan to exercise an “option” to expand the City’s recreational program in partnership with the Nazarene Church; and direct the City Attorney and Public Works to develop an agreement between the City and Nazarene Church, and authorize the Mayor to execute the agreement based upon the direction provided in the staff report. The motion carried unanimously.

Disposition: Approved

25. POLICE DEPARTMENT RE-ORGANIZATION

Recommendation: That the City Council review and approve the re-organization of the Police Department.

City Manager Longley introduced the item, and Police Chief McMillan presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve the re-organization of the Police Department. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Hernandez:
  1. Spoke of the tragic loss of a Tulare County Sheriff’s Deputy in the line of duty; and
  2. Requested that a study session be scheduled to discuss the branding initiative, preferably in early February.
• Mayor Pro Tem Felipe Martinez:
  1. Spoke of the recent passing of resident Ted Cornell, and suggested that he would be a good candidate for the Wall of Fame; and
  2. Commented on the new Boys and Girls Club location in Porterville, and invited all to check it out; and
  3. Wished everyone a Merry Christmas.
• Council Member Pedro Martinez:
  1. Spoke of the Toys for Tots event on December 23rd, and invited all to participate;
  2. Commented on the successful event with Santa at the Police Department on Monday, and requested that a thank you letter be sent to Santa;
  3. Commended the food distribution efforts by Love Inc., noting the great need in the community for such philanthropy; and
  4. Wished everyone a Merry Christmas.

• Council Member McCracken wished everyone a Merry Christmas and a Happy New Year.

• Mayor Hamilton advised of a Council of Cities Meeting scheduled for Wednesday, December 19th at 4:00 p.m., and inquired whether any of the Council Members would like to attend.

The Council recessed for ten minutes at 10:48 p.m. before reconvening Closed Session.

CLOSED SESSION
The Council reconvened Open Session at 11:10 p.m., reporting that no action had been taken.

ADJOURNMENT
The Council adjourned at 11:11 p.m. to the meeting of January 15, 2008 at 6:00 p.m.

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

Cameron Hamilton, Mayor