CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
SEPTEMBER 2, 2008, 6:00 P.M.

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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Vice-Mayor Pete V. McCracken
Invocation – One individual participated.

PROCLAMATIONS
Silver Star Banner Day – May 1, 2009 (The proclamation was postponed to October 2008.)

PRESENTATIONS
Employee of the Month – Donnie Moore
Recognition of City Firefighters

ORAL COMMUNICATIONS
• James Terry Sinyard, 545 W. Blue Oak Ave., expressed concern with traffic patterns at Jaye Street and Poplar Avenue; inquired about the status of the roundabout; and requested that the plans be made available to the public.
• Ronald Martin, 265 W. Willow, spoke in opposition of Item No. 17; stated that the City government should not take a stance on the issue; and requested that the request be withdrawn.
• Dick Eckhoff, 197 N. Main, commented on severance pay, physical health, and laptops relative to Item 15; stated that he hoped there was justifiable reasoning behind Items 16 and 17; and questioned whether Proposition 8 approval or disapproval had anything to do with running the City.
- CeCe Townsend, 6243 Hwy 190, Springville, spoke in favor of Proposition 8, and encouraged the Council to abide by the City’s motto, “In God We Trust”.
- Nicki Edwards, 13096 Rd. 208, spoke in favor of discontinuing service agreement with Lindsay Animal Control (LAC); spoke of poor practices and recent rescue efforts; and encouraged the City to provide its own animal controls services.
- Greg Nichols, 174 N. Villa, spoke about unpleasant experiences with adoption and pick-up services at Lindsay Animal Control.
- Rodney Martin, 146 S. Villa, encouraged the Council to consider passing a resolution regarding the crisis in the state of marriage; spoke of the high divorce rate amongst heterosexual marriages; and stated that the crisis existed far beyond the ballot measure issue.
- Angela Vera, 32367 Appaloosa, Springville, spoke of a positive experience with the Tulare Animal Shelter.
- Mark Pitcher, 2522 W. Cricklewood Court, spoke in favor of a resolution in support of Proposition 8; applauded the Council for taking a stance; and stressed the importance of strengthening families.
- Josef Guerrero, 332 S. “F” Street, stated that Proposition 8 impedes on people’s rights, and asked that the Council, as a governing body, not take a stance.
- Yvette Ward, 1652 W. Bellevue Ave., spoke in favor of Proposition 8; stated that it was an issue of religious freedom; spoke of consequences if Proposition 8 were not to pass; and urged Council to support the resolution.
- John Eby, 1557 E. Olive Ave., spoke of the importance of the separation of Church and State; and encouraged the Council to use secular reasoning in their consideration of the item.

CONSENT CALENDAR

Item Nos. 3, 8 and 10 were pulled for further discussion.

1. CITY COUNCIL MINUTES OF AUGUST 5, 2008.

Recommendation: That the City Council accept the Minutes of August 5, 2008.

Documentation: M.O. 01-090208
Disposition: Approved

2. CLAIM – LISA MARTIN, STACEY MARTIN, AND NICK AVILA, JR.

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. 02-090208
Disposition: Approved
4. CONSOLIDATED WASTE MANAGEMENT AUTHORITY MEMBERSHIP AGREEMENT PAYMENT

Recommendation: That the City Council authorize issuance of checks to CWMA for the following:
   1. Payment of $52,604 for the City’s membership contribution; and
   2. Forward $13,502 for the City’s portion of CWMA’s awarded funds received from California Department of Conservation.

Documentation: M.O. 03-090208
Disposition: Approved

5. ACCEPTANCE OF PROJECT – EFFLUENT PIPELINE & LAND LEVELING

Recommendation: That the 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. 04-090208
Disposition: Approved

6. ACCEPTANCE OF PROJECT – WEST STREET INDUSTRIAL PARK

Recommendation: That City Council:
   1. Accept the West Street Industrial Park 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. 05-090208
Disposition: Approved

7. ACCEPTANCE OF FINAL SUBDIVISION MAP – SUNRISE VILLA, PHASE TWO & THREE (GARY SMEE)

Recommendation: That City Council:
   1. Approve the final map of Sunrise Villa, Phase Two & Three Subdivision;
   2. Accept all offers of dedication shown on the final map; and
   3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 06-090208
Disposition: Approved
3. NEW PUBLIC SAFETY FACILITY PROJECT UPDATE


Disposition: No action required.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT AND ADVERTISE FOR BIDS - MURRY PARK RESTROOM PROJECT

Recommendation: That the City Council:

1. Authorize re-appropriation of unallocated carryover funds in the amount of $70,000 to cover the increased costs necessary to replace the existing Murry Park restroom in kind with architectural features;
2. Authorize staff to negotiate a contract with CXT, Inc. through the California Multiple Award Schedule (CMAS) to purchase the pre-manufactured restroom building;
3. Authorize the City Purchasing Agent to authorize the purchase order;
4. Approve staff’s recommended plans and project manual;
5. Authorize staff to advertise for bids for the Murry Park Restroom Site Improvements; and
6. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Deputy City Manager John Lollis introduced the item. At Council’s request no staff report was presented.

Council Member Ward expressed his concern with the price of the 8-stall unit, and indicated that he would prefer the approval of the 6-stall unit. Parks and Leisure Services Director Jim Perrine addressed questions from Council about the carryover funds, style of the units, and future plans for additional restroom units in the park.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Hamilton that the City Council approve the replacement of the existing Murry Park restroom with the 6-stall restroom in lieu of the 8-stall option; authorize staff to negotiate a contract with CXT, Inc. through the California Multiple Award Schedule (CMAS) to purchase the pre-manufactured restroom building; authorize the City Purchasing Agent to authorize the purchase order; approve staff’s recommended plans and project manual; authorize staff to advertise for bids for the Murry Park Restroom Site Improvements; and authorize staff to make payments up to 100% upon satisfactory completion of the work.

AYES: Ward
NOES: McCracken, P. Martinez, F. Martinez, Hamilton
ABSTAIN: None
ABSENT: None
MOVED by Council Member Felipe Martinez, SECONDED by Council Member McCracken that the City Council authorize re-appropriation of unallocated carryover funds in the amount of $70,000 to cover the increased costs necessary to replace the existing Murry Park restroom in kind with architectural features; authorize staff to negotiate a contract with CXT, Inc. through the California Multiple Award Schedule (CMAS) to purchase the pre-manufactured restroom building; authorize the City Purchasing Agent to authorize the purchase order; approve staff’s recommended plans and project manual; authorize staff to advertise for bids for the Murry Park Restroom Site Improvements; and authorize staff to make payments up to 100% upon satisfactory completion of the work.

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

8. GOLF COURSE STATUS REPORT

Recommendation: That the City Council:

1. Request the audit report for Fiscal year 2007/2008 provide specific reference to the golf course enterprise; and
2. Provide direction for the use of any remaining carryover from the driving range irrigation project.

Deputy City Manager Lollis introduced the item. At Council’s request no staff report was presented. Parks and Leisure Services Director Perrine provided options to the Council for use of the carryover funds.

MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council request the audit report for Fiscal year 2007/2008 provide specific reference to the golf course enterprise; and approve the purchase of the mower implement attachments for care of the driving range at a cost of $2,836. The motion carried unanimously.

Disposition: Approved
Deputy City Manager Lollis introduced the item. At Council’s request, no staff report was presented. City Attorney Julia Lew noted the following changes to the Code:

1. “Section 8. Prohibition on Receipt of Gifts of $250 or More” to be changed to “Section 8. Prohibition on Receipt of Gifts in Accordance with Government Code Section 89503”
2. The body should then read, “No member of the City Council, candidate for the office of City Council, or designated employee shall accept any gifts with a total value of more than two hundred fifty dollars ($250) in a calendar year from any single source, as adjusted annually pursuant to Section 89503(f).”
3. Section 9, Subsection E should read, “Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars ($250) or more in value (as adjusted annually by State law) provided to, received by, or promised to the designated employee within twelve (12) months prior to the time when the decision is made.”

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council adopt the resolution approving the revised City of Porterville Conflict of Interest Code, as amended to include revised wording of Sections 8 and 9 of the Code as noted by the City Attorney. The motion carried unanimously.

Disposition: Approved

**PUBLIC HEARINGS**

11. HILLSIDE DEVELOPMENT ORDINANCE

This item was continued to the September 16, 2008 City Council meeting.

Disposition: No action taken.

The Council recessed for ten minutes at 7:57 p.m.

**SCHEDULED MATTERS**

12. REQUEST TO ESTABLISH AN “AREA OF INTEREST” FOR THE PROPERTIES LOCATED ALONG BOTH SIDES OF STATE HIGHWAY 65 BETWEEN AVENUE 196 AND AVENUE 182, AND ROAD 224 AND ORANGEBELT DRIVE

Recommendation: That the City Council establish an “Area of Interest” by adopting the draft resolution.

Deputy City Manager Lollis introduced the item, and City Planner Ben Kimball presented the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council adopt the draft resolution establishing an “Area of Interest” for the properties located along both sides of State Highway 65 between Avenue 196 and Avenue 182, and road 224 and Orangebelt Drive. The motion carried unanimously.

Disposition: Approved

13. OPTIONS FOR ANIMAL CONTROL SERVICES

Recommendation: Review and consider the options related to animal control services in the community and give direction relative to the issue.

Deputy City Manager introduced the item, and Police Captain Silver Rodriguez presented the staff report, which included the following options for Council consideration.

1. Porterville provides own animal control function and rents space/pens at Lindsay Animal Control (LAC) for sheltering.  
   COST: $277,500

2. Porterville contracts with Valley Oak SPCA for sheltering and care of animals. Porterville would have to provide animal control services and transportation.  
   COST: $213,500

3. Porterville establishes animal control function and constructs shelter facility for the operation. This unit of the city would perform enforcement, licensing, redemption and adoption of animals picked up in the city.  
   COST: $215,000

A discussion ensued regarding the options available. Council then directed staff to further research Option 3 and bring back the item for Council consideration in a month’s time. Staff was asked to look into the possibility of a joint powers agreement with other local cities; use of Measure H funds; grant funding; and the use of volunteers relative to Option 3.

Disposition: Staff direction given.

14. CONSIDER LIBRARY BOARD OF TRUSTEES APPOINTMENT OR RECRUITMENT

Recommendation: That the City Council appoint an individual to the Library Board of Trustees for a term to expire in October 2011 from the list of current ‘Requests for Appointment’.

Deputy City Manager Lollis introduced the item, and Parks and Leisure Services Director Perrine presented the staff report.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council appoint Jose Moreno to the Library Board of Trustees for a second term to expire in October 2011. The motion carried unanimously.

Disposition: Approved

15. EMPLOYMENT AGREEMENT – CITY MANAGER

Recommendation: That the Council consider approval of the Employment Agreement.

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

The Council members spoke briefly about their selection for City Manager, and lauded the abilities of Mr. Lollis.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the Employment Agreement. The motion carried unanimously.

Disposition: Approved

16. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF INCLUSION OF COUNCIL MEMBERS, BOARD MEMBERS AND COMMISSIONERS IN CITY’S DRUG TESTING PROGRAM

Recommendation: That the Council provide direction to staff.

Deputy City Manager Lollis introduced the item. Council Member Pedro Martinez briefly explained his reason for requesting the item be added to the agenda. City Attorney Lew indicated that the drug testing program would have to be voluntary. Staff was directed to provide information regarding a voluntary program for consideration at a future City Council meeting.

Disposition: Staff direction given.

17. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF RESOLUTION IN SUPPORT OF PROPOSITION 8

Recommendation: That the Council provide direction to staff.

Deputy City Manager Lollis introduced the item. Council Member Ward indicated that he had requested the item, and spoke in support of Proposition 8. Mayor Hamilton indicated that he supported the resolution and would like the Council to challenge the County government and incorporated cities to support Proposition 8 by resolution. Council Member Felipe Martinez spoke
in favor of the resolution. Vice-Mayor McCracken expressed his concern with passing a resolution in support, and indicated that he would be more comfortable with a proclamation or letter of support. Council Member Martinez spoke in support of Proposition 8.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve the draft Resolution 83-2008 resolution in support of Proposition 8. The motion carried unanimously.

Disposition: Approved

18. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF INSTALLATION OF MISTER SYSTEMS IN CITY PARK PAVILIONS

Deputy City Manager Lollis introduced the item, and Council Member Felipe Martinez indicated that he had requested the item.

A brief discussion ensued, during which it was indicated that the mister installation would be part of the bid package for the three pavillons that have yet to be built, and be part of the infrastructure.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the installation of three mister systems as part of pavilion replacement projects. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS
- Terry Quinn, 734 W. Putnam, spoke of animal control services issue; and inquired about dog license renewal.
- Nikki Edwards, address on record, expressed her happiness with Council’s direction regarding animal control services.
- John Eby, address on record, spoke about the Hillside Development Ordinance; inquired about the status of the Eastside Parkway; and asked that Council consider providing a bike & pedestrian pathway from the end of Putnam to Connor for Granite Hills High School students.
- Dennis Townsend, 633 N. Westwood, spoke in favor of Council’s action on Item No. 17.
- Dick Eckhoff, address on record, posed questions regarding Item 18; and spoke favorably of the Council’s action on Item 15.

OTHER MATTERS
- Council Member Pedro Martinez spoke of the Fairfield Council Member who was shot, and requested that a bereavement letter be sent to the family.
- Council Member Felipe Martinez requested that staff look into a gutter problem near Granite Hills.
- Council Member Ward thanked those in attendance for exercising their First Amendment rights.
ADJOURNMENT
The meeting adjourned at 9:04 p.m. to the meeting of September 16, 2008 at 6:00 p.m.

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Luisa Herrera, Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor