CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
OCTOBER 7, 2008, 6:00 P.M.

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

Adjourn to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Vice Chairman McCracken, Member Pedro Martinez (arrived late), Member Felipe Martinez, Member Ward, Chairman Hamilton

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

Adjourn during Closed Session to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY AGENCY/COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.
Pledge of Allegiance Led by Boy Scout Troop 124
Invocation – one individual participated.

PROCLAMATIONS
Porterville Municipal Library’s Centennial – Month of October
Silver Star Banner Day – May 1, 2009

PRESENTATIONS
Employee of the Month – Debbie Salter

ORAL COMMUNICATIONS
- John Coffee, 1750 North Lotus, requested that the City Council reconsider its support for Proposition 8; and voiced support for Item No. 26.
- Brock Neeley, 1750 North Lotus, spoke against the Council’s support for Proposition 8 and requested that it reconsider.
- Ellen Nichols, Porterville resident, noted the planned reconstruction of the parking lot at Hockett Street and Mill Avenue and inquired as to the City’s intentions with regard to the trees. Public Works Director Baldo Rodriguez requested that Ms. Nichols contact him to discuss the matter.
- Jessica Mahoney, a Terra Bella resident, spoke against the City Council’s support for Proposition 8.
- Terry Detfield, 794 North Main, commended the City Council on its decision to support Proposition 8.
- Dick Eckhoff, business address at 197 North Main Street, commended the individuals who previously spoke, noting that it had likely been difficult; inquired as to vendor licensing in Item 20; and voiced support for the enforcement of the prohibition of parking along Olive Avenue as proposed in Item 27.
- Barry Caplan, requested that the City Council reconsider its support for Proposition 8, and spoke of the intentions of America’s founding fathers.
- Martha Alcazar Flores, 249 South Indiana, applauded everyone who had addressed the City Council that evening; and invited everyone to a candlelight vigil against domestic violence to be held on October 16th.
- Greg Shelton, 888 North Williford Drive, requested that he have an opportunity to address the Council during its discussion of Items 24 and 27.
- Denise McCurry, commended the City Council for its support of Proposition 8.
- Dave Paynter, Henderson-Prospect Partners, thanked the City Council and staff for their support and diligence in helping Target achieve their accelerated opening date for the new Target Store.
- Rudy Martinez, local pastor, thanked the City Council for voicing its support of Proposition 8.
- Bud Goins, a retired local pastor, voiced support for the Council’s decision to support Proposition 8.
- Tony Mauck, West Median Circle, thanked the City Council for its support of Proposition 8.
- Martie Mahoney, a Porterville resident, spoke against the Council’s support of Proposition 8.
CeCe Townsend, a Springville resident, commended the City Council for its support of Proposition 8.

Crystal (last name not given), a Porterville resident, requested that the Council reconsider its support for Proposition 8.

David Bird, a Springville resident, commended the Council for its support of Proposition 8.

An unidentified individual thanked the City Council for taking a stand on the issue and supporting Proposition 8.

Tom Moran, 482 North Sunnyside, commended the Council for its support of Proposition 8.

Yvette Ward, a Porterville resident, voiced support for Proposition 8, and thanked the Council for its action.

CONSENT CALENDAR

Item Nos. 1, 5 and 13 were removed for further discussion.

2. CLAIM – RAMONA GRAY

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. 01-100708
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – FIRE STATION NO. 2 (SEWER CONNECTION) 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. 02-100708
Disposition: Approved

4. AWARD OF CONTRACT FOR ASSISTANCE WITH THE UPDATE TO THE CITY OF PORTERVILLE’S HOUSING ELEMENT

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with the number one (1) rated consultant and if a contract cannot be negotiated then allow staff to negotiate a contract with the second ranked consultant;
2. Authorize the Mayor to sign said contract for assistance in updating the City of Porterville’s Housing Element; and
3. Authorize staff to make payments, upon satisfactory completion of the contracted work, up to 100%.
6. AWARD CONTRACT – DIGESTER CLEANING SERVICES

Recommendation: That the City Council:
1. Award the annual contract to clean the digester at the City’s Wastewater Treatment Facility to North American Digester Cleaning Services of Portland, OR, in the initial amount of $34,000, or $8,500 per digester;
2. Authorize payment upon satisfactory completion; and
3. Authorize staff to exercise annual renewals as necessary.

7. AUTHORIZATION TO PROCEED WITH JAYE STREET/MONTGOMERY AVENUE ROUNDBOUGHT DESIGN

Recommendation: That the City Council approve Omni-Means’ and staff’s recommended Roudabout design alternative and commence the public involvement and community outreach phase of the project.

8. THIS ITEM WAS REMOVED.

9. STATUS REPORT – SUCCESS DAM REMEDIATION EFFORT

Recommendation: None – information only.

10. SEAFOOD CAFÉ/EL REVENTON UPDATE

Recommendation: None – information only.

11. REQUEST FOR A CITY COUNCIL STUDY SESSION TO REVIEW THE LATEST DEVELOPMENTS WITH THE COMPREHENSIVE ZONING ORDINANCE UPDATE

Recommendation: That the City Council authorize staff to schedule a study session to review the latest developments with the zoning ordinance and provide comment to staff.
12. LAW ENFORCEMENT JOINT USE HELICOPTER PROGRAM

Recommendation: None – information only.

14. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN/LIBRARY CENTENNIAL CELEBRATION FINE FORGIVENESS DAY

Recommendation: That the City Council:
1. Authorize the second Annual Food for Fines Campaign from October 13 through December 13, 2008; and
2. Designated October 11, 2008 as Fine Forgiveness Day.

15. AUTHORIZE STAFF TO PROCEED WITH OHV FACILITY DEVELOPMENT GRANT ACTIVITIES

Recommendation: That the City Council authorize staff to proceed with OHV facility development grant activities.

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 2008-2009 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.

17. INFORMATION CONCERNING THE VALLEY INNOVATIVE ENERGY WATCH PARTNERSHIP

Recommendation: Receive information only.
18. **APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT BUTTERFIELD STAGE DAYS – OCTOBER 17, 2008**

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Unified School District, subject to the Restrictions and Requirements contained in the application, agreement and Exhibit “A”.

Documentation: M.O. 12-100708
Disposition: Approved


Recommendation: That the City Council approve the City of Porterville’s Parks & Leisure Services annual Veterans’ Day Run subject to the restrictions and requirements contained in the application, agreement and Exhibit “A” of the Community Civic Event application.

Documentation: M.O. 13-100708
Disposition: Approved


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

Documentation: M.O. 14-100708
Disposition: Approved

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken to accept Item Nos. 2 through 4, 6 through 12, and 14 through 20. The motion carried unanimously.


Prior to the Council taking action, Council Member Pedro Martinez stated that he would be abstaining from approval of the June 3, 2008 Minutes, due to his absence at that meeting. Council Member Ward noted the same reason for his abstention from the April 15 and June 3, 2008 Minutes.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the Council approve the Minutes of April 15, 2008.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the Council approve the Minutes of June 3, 2008.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the Council approve the Minutes of September 16, 2008.

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

Disposition: Approved

5. AWARD OF CONTRACT – MURRY PARK RESTROOM PROJECT

Recommendation: That the City Council:
1. Award the Murry Park Restroom Project to Bates Construction in the amount of $25,945.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

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

Council Member Ward expressed his concern with the costs of the project.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member
M.O. 16-100708  Pedro Martinez that the City Council reject the award of contract to Bates
Construction in the amount of $25,945.00.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice
Mayor McCracken that the City Council award the Murry Park
Restroom Project to Bates Construction in the amount of $25,945.00;
authorize progress payments up to 90% of the contract amount; and
authorize a 10% contingency to cover unforeseen construction costs.

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

Disposition: Approved

13. YOUTH/FAMILY INTERVENTION PROGRAM

Recommendation: That the City Council:
1. Approve the employment of Mr. Perez as a part-time Community
   Services Officer II;
2. Authorize the expenditure of Measure H funds to fund the position not to
   exceed $20,000; and
3. Authorize the necessary adjustment to the Police Department’s Measure
   H budget.

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

Council Member Pedro Martinez expressed his contentment with what he believed to be an
investment in the community.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council
Member Ward that the City Council approve the employment of Mr.
Perez as a part-time Community Services Officer II; authorize the
expenditure of Measure H funds to fund the position not to exceed
$20,000; and authorize the necessary adjustment to the Police
Department’s Measure H budget. The motion carried unanimously.

Disposition: Approved
SECOND READINGS

21. ORDNANCE 1747, ADDING A HILLSIDE DEVELOPMENT ORDINANCE TO THE MUNICIPAL CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1747, waive further reading, and adopt said Ordinance.

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1747, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING A HILLSIDE DEVELOPMENT ORDINANCE TO THE MUNICIPAL CODE. The motion carried unanimously.

The Deputy City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

22. RESOLUTION APPROVING AMENDMENT 1 TO MEASURE R EXPENDITURE PLAN

Recommendation: That the City Council:
1. Affirm by Resolution the six (6) changed identified in the “Summary of 2008 Measure R Amendment Requests”;
2. Authorize the Mayor to sign the Resolution;
3. Direct the City Clerk to transmit the executed Resolution to the attention of Ted Smalley, Tulare County Transportation Authority;
4. Approve and adopt the Bike Plan as described and shown in the Bike Plan Attachment; and
5. Direct the Public Works Director to transmit the adopted Bike Plan to the Tulare County Transportation Authority.

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

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member
Resolution 87-2008  Felipe Martinez that the City Council affirm by Resolution the six (6) changed identified in the “Summary of 2008 Measure R Amendment Requests”; authorize the Mayor to sign the Resolution; direct the City Clerk to transmit the executed Resolution to the attention of Ted Smalley, Tulare County Transportation Authority; approve and adopt the Bike Plan as described and shown in the Bike Plan Attachment; and direct the Public Works Director to transmit the adopted Bike Plan to the Tulare County Transportation Authority. The motion carried unanimously.

Disposition:  Approved

23.  APPOINT COUNCIL REPRESENTATIVE TO THE AD HOC LIBRARY FACILITY PLANNING COMMITTEE

Recommendation:  That the City Council appoint a representative of the Council to the ad hoc Library Facility Planning Committee.

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION:  MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council appoint Council Member Ward to the ad hoc Library Facility Planning Committee. The motion carried unanimously.

Disposition:  Approved

24.  PROPOSAL FOR RECREATIONAL FACILITIES GRANTS, AND OPTIONS FOR GRANT PROGRAMS AND MANAGEMENT

Recommendation:  That the City Council provide direction to staff in options toward the pursuit of grant monies for the construction of the Heritage Center ball fields.

Deputy City Manager Lollis introduced the item and presented an amended staff report, which included the following options for consideration:

Option 1:  For a single fee of $10,000, California Consulting proposes to make application for grant monies exclusively for ball field development through Proposition 84, Mayor League Baseball Tomorrow Fund, and California State Parks Land and Water Conservation Fund. Most notable is the pursuit of Proposition 84 monies, with approximately $50 million available for Central Valley projects, of which the Heritage Center softball complex would be an exemplary project. It is anticipated that Proposition 84 applications will be available in February 2009 and due shortly thereafter in April 2009.
Option 2: This option is broader in scope that, for a monthly fee of $2,500 (plus expenses), California Consulting will make applications for an unlimited number of grants in whatever areas are defined as priority. This option would include State lobbying efforts as well.

Option 3: A variation of the second option, California Consulting would charge a monthly fee of $1,000 (plus expenses) for the application of grant funds, and in addition would receive a bonus equal to ten percent (10%) of grants that are successfully funded.

Option 4: It may be an interest of the Council to proceed with a Request for Proposals (RFP) in selection of an individual/entity to prepare and make application for grant-funding on the behalf of the City for the proposed ball field construction. This process would assist in identifying potentially superior qualifications and comparable cost efficiencies. It is anticipated that this process would take no more than two (2) months to undertake, with the Council approving a selection no later than the December 16th meeting of the Council.

• Greg Shelton, address on record, voiced concern with hiring a consultant versus utilizing staff time; and questioned Mr. Samuelian’s grant writing experience and his ethics.

A brief discussion ensued about the costs associated with the options presented, and the ability of staff to perform the grant writing duties. Deputy City Manager Lollis spoke of the political aspect of the grant application process and the importance of attending to that variable in the Request for Proposals process.

Vice-Mayor McCracken made a motion to implement Option 4, amended to include political connections in the criteria. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken to implement Option 4 from the amended staff report. The motion carried unanimously.

The Council then directed staff to conduct an in-house review of staff capacity for grant writing.

Disposition: Approved, and direction given.

25. CONSIDERATION OF CALLING STUDY SESSIONS WITH THE PARK(S) & LEISURE SERVICES COMMISSION, LIBRARY BOARD OF TRUSTEES, AND THE TRANSACTION AND USE TAX OVERSIGHT COMMITTEE (MEASURE H TUTOC)

Recommendation: That the City Council determine whether to schedule meetings with the Park(s) and Leisure Services Commission, Library Board of Trustees and TUTOC.

Deputy City Manager Lollis introduced the item and presented the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the Council direct staff to schedule the proposed meetings after the goal setting session. The motion carried unanimously.

Disposition: Direction given.

26. CONSIDERATION OF ESTABLISHING CITY EMAIL FOR COUNCIL MEMBERS

Recommendation: Define which option the Council should use regarding city-based email.

Deputy City Manager Lollis introduced the item and presented the staff report, which included the following options for the Council’s consideration.

Option 1: The first option is to install on City laptops held by Council members, a copy of software that will allow Council members to recover from the City’s server e-mails. The Councilmember would be issued a normal ci.porterville.ca.us e-mail address. The positive about this is that this solution would be most direct. On the other hand, the use of the remote software can at times be complex. Also, there may be some difficulty regarding how archiving would be achieved and the ability through the system to monitor e-mails.

Option 2: The second option is to establish on Olsen servers, separate Council e-mails. The City owns the domain porterville.ca.gov or cityofporterville.us. An e-mail account could be issued to each Council member that could be accessed through the web. The positive regarding this is the ease of external access the downside would be having the accounts on an external server and the possible limited expense required to support this.

Option 3: A third option is to continue private email as it currently exists. Various domains are available to Council members which can be accessed through City issued computers.

City Attorney Julia Lew provided some background on the issue and stated that there was no current case law on the subject. She indicated that the Council could waive any exemption that would apply and choose to make the records public, and spoke of the deliberative process privilege.

The Council directed staff to implement Option No. 2, with preference to the “flast@porterville.ca.gov” address format, and directed the City Attorney to do further research on policies and bring them back for consideration.

Disposition: Direction given.

27. REQUEST BY COUNCIL MEMBER – ENFORCEMENT OF PROHIBITION OF PARKING TRUCKS ON OLIVE AVENUE

Recommendation: That the Council provide direction to staff.
Deputy City Manager Lollis introduced the item, and no staff report was presented. Chief of Police McMillan and Public Works Director Rodriguez provided some background information and spoke about the issue of enforcement.

A discussion ensued about safety concerns, additional problem areas, and enforcement problems in the County areas within the city.

- Greg Shelton, address on record, spoke of previous attempts to resolve the issue, and agreed that the issue needed to be addressed.

The Council directed that the item be brought back with enforcement options for consideration.

Disposition: Direction given.

ORAL COMMUNICATIONS
- Dick Eckhoff, address on record, spoke regarding Item 27, noting the safety hazards created by large commercial vehicles parking along City corridors, such as Olive Avenue, and requested that the Council work to resolve the issue.
- Greg Shelton, address on record, spoke regarding Item 25, suggesting that the Council schedule a cruise or retreat for its meetings.
- Barry Caplan, spoke regarding Item 26, commenting that his analysis of the legal issues were consistent with that of the City Attorney; and reiterated his early comments with regard to his opposition to Proposition 8, and suggested that the Council reconsider its action in support thereof.
- Tony Mauck, lauded the City Council for being innovative and supporting Proposition 8.

OTHER MATTERS
- Council Member McCracken spoke of the posting of ratings by the Health Department available on the Visalia-Times Delta website, and suggested that everyone look at the grades many of the local restaurants received.
- Council Member Pedro Martinez:
  1. Reported on his attendance at the League of California Cities Annual Conference recently held in Long Beach, and spoke of the financial information provided;
  2. Spoke favorably of the Filipino-American cultural event that took place at Veteran’s Park; and
  3. Requested that Council Members be provided a key to the City Manager’s office for ease in retrieving mail.
- Council Member Brian Ward:
  1. Requested that support staff members be allowed to leave the City Council Meeting once their items had been heard and their attendance was no longer crucial;
  2. Reported on his attendance at the League of California Cities Annual Conference in Long Beach, speaking on the information gleaned from the various sessions;
3. Requested that the Council look into forming an Arts Commission, or something similar; and
4. Spoke of his interest in reestablishing a Neighborhood Watch Program.
➢ Council Member Felipe Martinez reported on his attendance at the League of California Cities Annual Conference in Long Beach, specifically noting sessions on Art Commissions, and diversity within communities.
➢ Mayor Hamilton spoke favorably of the recent Filipino-American Cultural event held at Veteran’s Park.

**ADJOURNMENT**

The Council adjourned at 10:12 p.m. to the meeting of October 21, 2008 at 6:00 p.m.

__________________________________________
Luisa Herrera, Deputy City Clerk

SEAL

__________________________________________
Cameron Hamilton, Mayor