CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MARCH 4, 2008, 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
Absent: Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.
   5- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

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

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation – one individual participated.

ORAL COMMUNICATIONS
• Robert Roman, 846 N. Main St., updated the Council on the “Time Marches On” Event and provided written materials on the group’s effort to the Council.
• Jim Winton, 150 W. Morton, requested that Council pull Item No. 11 for discussion.
• An unidentified resident, 1901 Pioneer, spoke of the threat of West Nile Virus, particularly with regard to the City’s ponding basins, and inquired as to how the City planned to address the issue.
Barbara Stricklin, address inaudible, requested that the City approve a permit to allow the use of grazing animals for weed abatement.

**PRESENTATIONS**  
Employee of the Month – Mark Azevedo

**CONSENT CALENDAR**  
Item No. 1 was removed and continued to the next meeting. Item Nos. 4, 8 and 11 were removed for further discussion.

1. **MINUTES OF JUNE 8, 2007**

Recommendation: That the City Council approve the Minutes of June 8, 2007.

Disposition: Continued to the Meeting of March 18, 2008.

2. **CLAIM – STEPHEN CRAIG MINNICK**

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. 01-030408  
Disposition: Approved.

3. **AUTHORIZATION TO ADVERTISE FOR BIDS – FIRE STATION #2 TRAINING ROOM 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. 02-030408  
Disposition: Approved.

5. **AWARD CONTRACT – AIR CONDITIONING REPLACEMENT PROJECT**

Recommendation: That the City Council:
1. Award the contract for the Wastewater Treatment Facility’s Air Conditioning Replacement Project to Morris Levin & Son of Tulare, CA, in the amount of $13,278.00;  
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen costs.

Documentation: M.O. 03-030408  
Disposition: Approved.
6. AWARD OF CONTRACT – FINANCIAL FEASIBILITY AND ANALYSIS SERVICES FOR THE PORTERVILLE HOTEL PROJECT AND ON-CALL SERVICES

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 “on call” financial analysis services; and
3. Authorize staff to make payments, upon satisfactory completion of the contracted work, up to 100%.

Documentation: M.O. 04-030408
Disposition: Approved.

7. THIS ITEM WAS REMOVED FROM THE AGENDA

9. APPROVAL OF RESOLUTION SATISFYING SUBLEASE AGREEMENT BETWEEN CITY OF PORTERVILLE AND FRESNO MSA LIMITED PARTNERSHIP DBA VERIZON WIRELESS

Recommendation: That the City Council approve the draft resolution certifying that conditions of Section 8.2 of the Lease Agreement between the Porterville Public Financing Authority and the City of Porterville have been satisfied.

Documentation: Resolution 16-2008
Disposition: Approved.

10. ACCEPTANCE OF IMPROVEMENTS – NEW EXPRESSIONS, PHASE FIVE (BRIAN ENNIS – ENNIS HOMES)

Recommendation: That the City Council:
1. Accept the public improvements of New Expressions, Phase Five Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 05-030408
Disposition: Approved.

12. EXTENSION OF TIME – IRIS HILL ESTATES TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving a two (2) year
extension of time for Amalene Estates Tentative Subdivision as modified.

Documentation: Resolution 17-2008  
Disposition: Approved.

13. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-2008 and 2008-2009, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 18-2008  
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve Item Nos. 2, 3, 5, 6, 9, 10, 12 and 13.

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

4. BOYLE ENGINEERING, INC. SERVICE AGREEMENT – THREE (3) MILLION GALLON MARTIN HILL RESERVOIR AND PIPELINE PROJECT

Recommendation: That the City Council:
1. Authorize staff to negotiate a schedule and liquidated damages with Boyle Engineering, Inc.;
2. Authorize the Mayor to execute a Service Agreement with Boyle Engineering, Inc. at an agreed fee of $101,900 for the services described in the staff report upon completion of successful negotiations with the consultant;
3. Authorize the expenditure of developer fees to cover the design costs until the CIEDB loan is secured; and
4. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

City Manager John Longley presented the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council authorize staff to negotiate a schedule and liquidated damages with Boyle Engineering, Inc.; approve the proposed Service Agreement, as amended to strike the word “following” in line 2 of Section 1; authorize the Mayor to execute a

M.O. 06-030408
Service Agreement with Boyle Engineering, Inc., at an agreed fee of $101,900 for the services described in the staff report upon completion of successful negotiations with the consultant, and upon the completion of the dates set forth in Section 3; authorize the expenditure of developer fees to cover the design costs until the CIEDB loan is secured; and authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

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

Disposition: Approved, as amended.

8. APPROVAL OF SERVICE AGREEMENT BETWEEN CITY OF PORTERVILLE AND SEQUOIA RIVERLANDS TRUST FOR MAINTENANCE FOR THE CITY’S HEADGATE MITIGATION SITE

Recommendation: That the City Council:
1. Approve the Service Agreement with Sequoia Riverlands Trust for maintenance (for a period of one year) of the City’s Headgate Mitigation Site in the amount of $28,300;
2. Authorize retention of the remaining balance in the amount of $63,757 to deal with unexpected circumstances, such as vandalism, due to the remote location; and
3. Authorize the Mayor to sign all appropriate documents as necessary to maintain the Mitigation Site.

City Manager John Longley presented the item, and the staff report was waived at the Council’s request.

Council Member Hernandez moved that the Council approve staff’s recommendation. Council Member Pedro Martinez seconded the motion.

Council Member McCracken proposed an amendment to Council Member Hernandez’s motion to include direction to staff to bring an RFP back to the City Council at the first meeting in the 3rd Quarter of 2008/2009. Council Members Hernandez and Martinez accepted the amendment.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve the Service Agreement with Sequoia Riverlands Trust for maintenance (for a period of one year) of the City’s Headgate Mitigation Site in the amount of $28,300; authorize retention of the remaining balance in the amount of $63,757 to deal with unexpected circumstances, such as vandalism, due to the remote location; authorize the Mayor to sign all appropriate
documents as necessary to maintain the Mitigation Site; and direct staff to bring an RFP back to the City Council at the first meeting in the 3rd Quarter of 2008/2009.

Disposition:  Approved, as amended.

11. EXTENSION OF TIME AMALENE ESTATES TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving a two (2) year extension of time for Amalene Estates Tentative Subdivision as modified.

City Manager John Longley presented the item, and the staff report was waived at the Council’s request.

- Jim Winton, 150 West Morton Avenue, inquired about the newly added condition of approval and how it would apply to the remainder of the subdivision; and noted that the amended plan and the amended landscape and lighting district had fifty three (53) lots.

A discussion ensued regarding Mr. Winton’s comments and lighting and landscape assessment districts as they pertained to the tentative subdivision map. Staff indicated that there had been difficulties collecting assessments in the past due to the length of time before the districts were established as a taxing entity, and explained that the added condition was included to bring the previously approved map up to current standards.

- Jim Winton, address on record, inquired about the payment of the assessments and indicated that the developer has paid the applied assessments.

Parks & Leisure Services Director Perrine stated that the intent was to move forward and to disclose that the assessment has been applied. He noted that the number of lots stated in the resolution would need to be corrected.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council adopt the draft resolution approving a two (2) year extension of time for Amalene Estates Tentative Subdivision as modified, as amended to change the number of lots referenced in paragraph 8, page 1, to the actual number of lots; and direct staff to provide a written report to the City Council at the conclusion of the matter.

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

Disposition:  Approved, as amended.
At Council Member Pedro Martinez’s request, Item No. 21 was considered next.

21. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – RESOLUTION IN SUPPORT OF THE ARMED SERVICES IN RESPONSE TO THE BERKELEY, CALIFORNIA CITY COUNCIL

Recommendation: None

City Manager John Longley presented the item, and Deputy City Manager Lollis presented the staff report.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the City Council approve the draft resolution in support of our military in response to the Berkeley California City Council.

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

Copies of the Resolution were then presented to members of the Armed Services.

Disposition: Approved, as amended.

PUBLIC HEARINGS
14. PORTERVILLE 2030 COMPREHENSIVE GENERAL PLAN UPDATE; A REQUEST FOR APPROVAL OF A COMPREHENSIVE GENERAL PLAN UPDATE WITH AN ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND URBAN WATER MANAGEMENT PLAN

Recommendation: That the City Council:
1. Adopt the draft resolution certifying the Final EIR subject to Statement of Overriding Considerations and Findings of Fact;
2. Adopt the draft resolution approving the Porterville 2030 General Plan; and
3. Adopt the draft resolution approving the Urban Water Management Plan.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap introduced Planning Consultant, Michael Dyett of Dyett, Bhatia & Associates, and his associate Poppy Gilman. Mr. Dyett gave a presentation to the Council discussing the framework of the General Plan Update, and Mr. Dunlap provided more detailed information.

The public hearing opened at 8:09 p.m.

• (Inaudible) Boyles, 425 E. Thurman, spoke in favor of the proposed Porterville 2030 General
Plan.
- Al Sadah, owner of Al’s Market at Westfield Avenue and Prospect Street, spoke in favor.
- Dr. John Snavely, General Plan Advisory Committee Member, recommended approval of the General Plan.
- John Eby, 1557 East Olive Avenue, General Plan Advisory Committee Member, spoke in favor of the item and commended staff and the consultant for their work.
- Dick Eckhoff, 197 N. Main Street, spoke in favor of the proposed General Plan.
- Ruth Scholt, 468 N. Sunnyside, inquired as to whether energy efficiency had been considered in the General Plan, and lauded the benefits of solar power.

The Council inquired about various sites and their designated zoning under the proposed General Plan.

The public hearing closed at 8:18 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council adopt the draft resolution Resolutions 21-2008; 22-2008; and 23-2008 certifying the Final EIR subject to Statement of Overriding Considerations and Findings of Fact; adopt the draft resolution approving the Porterville 2030 General Plan; and adopt the draft resolution approving the Urban Water Management Plan.

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

The Council directed staff to place a “re-affirming resolution” item on the next Council Agenda so as to provide Mayor Hamilton an opportunity to participate in voting on the item.

Disposition: Approved, with staff direction.

The Council recessed for five minutes.

15. DESIGN REVIEW OVERLAY 1-2008 & CONDITIONAL USE PERMIT 2-2008 (EMERITUS ASSISTED LIVING FACILITY)

Recommendation: That the City Council:
1. Adopt the draft resolution approving Conditional Use Permit 2-2008, subject to the conditions of approval; and
2. Adopt the draft resolution approving design review overlay D-Overlay 1-2008, subject to the conditions of approval.

City Manager John Longley presented the item, and Associate Planner Jose Ortiz presented the staff report.
The public hearing opened at 8:40 p.m.

- Peter Givas, Sacramento, applicant, spoke in favor of the Council’s approval.
- Ben Ennis, 643 Westwood Street, spoke in favor of the item.

The public hearing closed at 8:43 p.m.

The Council briefly commented on the importance of assisted living facilities. At Council Member Pedro Martinez’s request, Mr. Longley advised that information would be provided to the Council with regard to transit service at the proposed location.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft resolution approving Conditional Use Permit 2-2008, subject to the conditions of approval; and adopt the draft resolution approving design review overlay D-Overlay 1-2008, subject to the conditions of approval.

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

Disposition: Approved; Direction given to staff.

SECOND READINGS

16. ORDINANCE 1736, AMENDING CHAPTER 2, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE

Recommendation: That the City Council give Second Reading to Ordinance No. 1736, waive further reading, and adopt said Ordinance.

City Manager John Longley presented 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 Hernandez that the Council give Second Reading to Ordinance No. 1736, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE.

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

The City Manager read the ordinance by title only.
Disposition: Approved.

SCHEDULED MATTERS

17. WATER CONSERVATION PLAN

Recommendation: That the City Council:
   1. Direct staff to develop a draft resolution to the Water Conservation Plan adding voluntary odd/even watering in Phase II; and
   2. Schedule a Public Hearing for April 15, 2008 to revise the Water Conservation Plan.

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

A discussion ensued about a voluntary odd/even watering schedule versus a mandatory one.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council Direct staff to develop a draft resolution to the Water Conservation Plan adding voluntary odd/even watering in Phase II; and schedule a Public Hearing for April 15, 2008 to revise the Water Conservation Plan.

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

Disposition: Approved.

18. AUTHORIZE CITY MANAGER TO SIGN CIEDB SEWER LOAN – 2ND EXTENSION

Recommendation: That the City Council:
   1. Authorize the City Manager to execute (in blue ink) three copies of the “Second Amendment to the Enterprise Fund Installment Agreement” on the behalf of the City of Porterville; and
   2. Direct the Chief Deputy City Clerk to attest the original documents and transmit all copies to: California Infrastructure and Economic Development Bank, Attn: Patricia Galvan.

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

It was requested by the Council that staff advise former Council Members when the Cease and Desist Order is lifted.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council authorize the City Manager to execute (in blue ink) three copies of the “Second Amendment to the Enterprise Fund Installment Agreement” on the behalf of the City of Porterville; and direct the Chief Deputy City Clerk to attest the original documents and transmit all copies to: California Infrastructure and Economic Development Bank, Attn: Patricia Galvan.

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

Disposition: Approved.

19. SEPTIC TANK ANALYSIS – VARIOUS CITIES

Recommendation: That the City Council:
1. Take no action at this meeting; and
2. Direct the Public Works Director to complete his analysis and report back to the Council on March 18, 2008 with a recommendation.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Prior to the staff report, Mr. Rodriguez thanked the Council on behalf of Mr. Federico Ramos for considering his request.

Council Member Pedro Martinez stated that he hoped the Council would consider modifying the criteria in the future.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council direct the Public Works Director to complete his analysis and report back to the Council on March 18, 2008 with a recommendation.

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

Disposition: Approved.

20. ORDINANCE AMENDING SECTION 1-19 OF THE PORTERVILLE MUNICIPAL CODE REGARDING THE FILING OF CLAIMS AGAINST THE CITY
Recommendation: That the City Council consider and approve for first reading the proposed Ordinance Amending Section 1-19 of the Porterville Municipal Code Regarding Claims Against the City.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council approve for first reading the proposed Ordinance; and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 1-19 OF CHAPTER I OF THE PORTERVILLE MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY.

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

The City Manager read the ordinance by title only.

Disposition: Approved.

The Council adjourned at 9:07 a.m. to a Meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY
March 4, 2008

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

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PFA-01. AUTHORIZE LEASE AGREEMENT – WIRELESS TOWER AT FIRE STATION NO. 2

Recommendation: That the Porterville Public Financing Authority:
1. Approve the Land Lease Agreement between the City of Porterville
and Fresno MSA Limited partnership d/b/a Verizon Wireless; and
2. Authorize the Chairman to sign all necessary documents.

City Manager John Longley presented the item, and the staff report was waived at the Council’s request.

**AUTHORITY ACTION:** MOVED by Member Pedro Martinez, SECONDED by Member McCracken that the Porterville Public Finance Authority approve the
Resolution PFA 2008-01 Land Lease Agreement between the City of Porterville and Fresno MSA Limited partnership d/b/a Verizon Wireless; and authorize the Chairman to sign all necessary documents.

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

Disposition: Approved.

The Porterville Public Financing Authority meeting adjourned at 9:09 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
None

**OTHER MATTERS**
- Council Member Hernandez spoke of the success of the recent “Rock A Thon” event and lauded its worthiness.
- Council Member Pedro Martinez:
  1. Spoke of the “Rock A Thon” event, noting the event had celebrated its highest participation to date;
  2. Spoke of his participation in the “Stars in the Hills” Prom; and
  3. Thanked staff for their effort on the General Plan.
- Council Member Hernandez also made mention of his participation at the “Stars in the Hills” Prom event.
- Mayor Pro Tem Felipe Martinez:
  1. Spoke of the lack of a crosswalk on Highway 190 east of Plano Street, and requested that staff look into the matter.
  2. Noted that he had received many positive telephone calls from residents regarding the Jaye Street construction, and thanked staff for their effort.

The Council recessed at 9:15 p.m. for five minutes, and then reconvened in Closed Session.

The Council reconvened Open Session at 9:30 p.m. and reported the following action.
CLOSED SESSION


It was reported that the Council approved the request to extend the Repurchase Option with Russken Holdings, LLC, for the one-acre lot, APN 302-390-016, with Phase I to be completed by September 4, 2008, and Phase II to be completed by September 10, 2010.

Documentation: M.O. 11-030408
Disposition: Approved.

ADJOURNMENT

The Council adjourned at 9:31 p.m. to the meeting of March 18, 2008 at 6:00 p.m.

_________________________________________
Luisa Herrera, Deputy City Clerk

SEAL

_________________________________________
Cameron Hamilton, Mayor