CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MAY 5, 2009, 6:00 P.M.

Call to Order at 6:04 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez (arrived at 6:07 p.m.), Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

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

Pledge of Allegiance Led by Vice Mayor Pete McCracken
Invocation – one individual participated.

PROCLAMATIONS
Day of Prayer – May 7, 2009

PRESENTATIONS
Employee of the Month – Irene Anaya
Muscular Dystrophy Association’s Fill-the-Boot Campaign

A brief discussion ensued during which staff confirmed that Fire Department personnel wore their turnouts during the event and collected donations with their helmets and boots. Council Member Pedro Martinez noted the use of fire apparatus such as ladder trucks by other agencies and requested that this be considered by the City. Chief Garcia advised that his department would consider the request.
ORAL COMMUNICATIONS

- Wayne Harris, 583 W. Dexter Avenue, requested that the City budget for moving the utilities underground on Prospect north of Henderson Avenue.
- Greg Shelton, 888 North Williford Drive, voiced concern with the attendance records in Item 15 for the Parks & Leisure Services Commission which reflected he had two tardies. He advised that one was incorrect, and attributed the other to the Christmas parade.
- Nikki Edwards, 1) updated the City Council on the Super Adoption in which Animal Control participated, noting that 8 of the 15 animals taken to the event were adopted out; 2) requested that donations be suggested until such time as shelter fees are established; and 3) spoke in favor of requiring the animals to be spayed/neutered prior to adoption.
- (Name inaudible), 1075 W. Roby, 1) spoke of the success of the recently held Rollin’ Relics Car Show; and 2) spoke of the importance for the lease renewal to continue senior programs at the Santa Fe Depot.
- BJ Motko, Central Valley Rescue Railroad, spoke of the need for proper fees for the animal shelter, provided sample adoption agreements, and spoke of the importance of requiring all animals to be spayed/neutered prior to adoption.
- Dick Eckhoff, business address of 197 North Main Street, thanked the Council and staff for the Mill Street Parking Lot Project.
- Augie Gonzales, Porterville Chamber of Commerce Chair, 1) reported on the success of the Iris Festival noting approximately 25,000 people attended the event; and 2) advised of the upcoming Chamber Mixer to be held at the Bank of the Sierra.

CONSENT CALENDAR

Item Nos. 7, 11, 16, 17 and 21 were removed for further discussion.

1. CITY COUNCIL MINUTES OF APRIL 7, 2009 AND APRIL 14, 2009

Recommendation: That the City Council approve the Minutes of April 7, 2009 and April 14, 2009.

Documentation: M.O. 01-050509
Disposition: Approved

2. CLAIM – ESTEFANIE FORMAN

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and director the City Clerk to give the Claimant proper notification.

Documentation: M.O. 02-050509
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – SCRANTON AVENUE AND INDIANA STREET RECONSTRUCTION PROJECT
Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual for the Scranton Avenue and Indiana Street Reconstruction and Storm Drain Project.
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to sign the SCE application and issue $29,262.98 payment.

Documentation: M.O. 03-050509
Disposition: Approved

4. AUTHORIZATION TO ADVERTISE FOR BIDS – INDIANA STREET (SOUTH), PROSPECT STREET, AND HENDERSON AVENUE SHOULDER STABILIZATION 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. 04-050509
Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS – AIRPORT ELECTRICAL UPGRADE 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. 05-050509
Disposition: Approved

6. ACCEPTANCE OF IMPROVEMENTS - SIERRA ESTATES (K. HOVANIAN FORECAST HOMES NORTHERN, INC.)

Recommendation: That the City Council:
1. Accept the public improvements of Sierra Estates 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. 06-050509
Disposition: Approved
8. APPROVAL OF MANDATORY RACE CONSCIOUS DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Recommendation: That the City Council:
1. Approve the Race Conscious Disadvantaged Business Enterprise Program;
2. Authorize the Public Works Director to sign the Race Conscious Disadvantaged Business Enterprise Program; and
3. Approve the Resolution of Adoption.

Documentation: Resolution No. 32-2009
Disposition: Approved

9. INTENT TO VACATE A PORTION OF GARDEN AVENUE (CITY OF PORTERVILLE)

Recommendation: That the City Council:
1. Pass a resolution of intent to vacate Garden Avenue between Fig Street and the west right-of-way of the “Rail to Trails” property; and
2. Set the Council meeting of June 2, 2009, as the time and place for a public hearing.

Documentation: Resolution 33-2009
Disposition: Approved

10. ACCEPTANCE OF FINAL SUBDIVISION MAP – MEADOW BREEZE, PHASE THREE (GARY SMEE)

Recommendation: That the City Council:
1. Approve the final map of Meadow Breeze, Phase Three Subdivision;
2. Accept all offers of dedication within the development boundaries defined by the final map;
3. Accept the Irrevocable Offer of Dedication as shown on Parcel Map No. 4451 and as consented by Tulare County Board of Supervisors;
4. Authorize the City Clerk to record a Resolution accepting the offer as shown on Parcel Map No. 4451 with the County Recorder’s Office; and
5. Authorize the City Clerk to file said map with the County Recorder.

Documentation: Resolution 34-2009
Disposition: Approved

12. CODE ENFORCEMENT UPDATE

Recommendation: That the City Council accept the Code Enforcement Update.
13. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the interim financial status reports and grants summary report as presented.

Documentation: M.O. 08-050509
Disposition: Approved

14. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 09-050509
Disposition: Approved

15. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 3RD QUARTER UPDATE


Documentation: M.O. 10-050509
Disposition: Approved

18. LAW ENFORCEMENT JOINT USE HELICOPTER PROGRAM

Recommendation: That the City Council:
1. Approve the Joint Powers Agreement for Airborne Law Enforcement Services; and
2. Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 11-050509
Disposition: Approved

19. STATUS REPORT ON COSTS FOR CITY-FUNDED SUPPLEMENTAL INSURANCE FOR HISTORICAL PARADES

Recommendation: Informational report only.

Documentation: M.O. 12-050509
Disposition: Approved
20.   TULARE COUNTY WORKFORCE INVESTMENT BOARD YOUTH@WORK COMMUNITY IMPROVEMENT PROJECTS PROGRAM IN THE CITY OF PORTERVILLE

Recommendation: Information Only.

Documentation: M.O. 13-050509
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 6; 8 through 10; 12 through 15; and 18 through 20. The motion carried unanimously.

7.   ALERT TC TULARE COUNTY NOTIFICATION SYSTEM

Recommendation: That the City Council

1. Approve the City of Porterville Alert TC Procedural Guidelines on the use of the Alert TC Notification System.
2. Authorize the Mayor to sign documentation related to the User Agreement.

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

Council Member Pedro Martinez voiced support for granting the City Council authority to implement emergency messages. A discussion ensued about the Council’s involvement in the implementation of emergency messages, and City Attorney Lew advised that an internal process could be formulated to address any concerns that the Council may have.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the City of Porterville Alert TC Procedural Guidelines on the use of the Alert TC Notification System; authorize the Mayor to sign documentation related to the User Agreement; and direct staff to formulate a policy for local use. The motion carried unanimously.

Disposition: Approved, as amended.

11.   STREET PERFORMANCE MEASURE – 3rd QUARTER UPDATE

Recommendation: Information Only.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
Council Member Pedro Martinez expressed concern with the condition of arterial streets within the city and requested that arterials be prioritized.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council accept the informational report. The motion carried unanimously.

Disposition: Approved

16. REQUEST TO RETAIN PRAXAIR SERVICES, INC. TO PERFORM ENHANCED LEAK DETECTION FINAL TEST

Recommendation: Authorize the expenditure of $8,160 to perform an On-site Enhanced Leak Detection retest allocating the cost between the Water Department and Porterville Airport.

City Manager Lollis introduced the item, and indicated that staff had requested the item be removed.

Disposition: None.

17. EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FORMULA PROGRAM/MEMORANDUM OF UNDERSTANDING

Recommendation: That the City Council:
1. Approve the City’s participation in the joint request to apply for the Edward Byrne Memorial Justice Assistance Grant Program; and
2. Authorize the Chief of Police to sign the Memorandum of Understanding between the City and County and enter into the agreement.

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

Council Member Pedro Martinez inquired about the proposed use of funds for the Animal Control Officer. City Manager Lollis indicated that the City Attorney had advised that the use was appropriate. Police Chief McMillan explained that the funding was not reoccurring, and elaborated on the reasoning behind the recommendation.

COUNCIL ACTION: Resolution 35-2009 MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the City’s participation in the joint request to apply for the Edward Byrne Memorial Justice Assistance Grant Program; and authorize the Chief of Police to sign the Memorandum of Understanding between the City and County and enter into the agreement. The motion carried unanimously.
21. MEMORANDUM OF UNDERSTANDING WITH COMMUNITY SERVICES EMPLOYMENT TRAINING, INC. (CSET) AS OPERATOR OF PORTERVILLE EMPLOYMENT CONNECTION ONE-STOP CENTER

Recommendation: That the City Council approve the Memorandum of Understanding with CSET regarding the operation of the ECC in Porterville, and to authorize the Mayor to sign the agreement.

City Manager Lollis introduced the item and presented the staff report.

Council Member Felipe Martinez lauded CSET’s efforts and spoke in favor of approval; and Council Member Pedro Martinez suggested that CSET make a presentation to the Council at a future meeting.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the Memorandum of Understanding with CSET regarding the operation of the ECC in Porterville, and to authorize the Mayor to sign the agreement. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

PUBLIC HEARINGS

22. ADOPTION OF THE 2009/2010 ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT GRANT BLOCK (CDBG) ENTITLEMENT FUNDS

Recommendation: That the City Council:
1. Conduct a public hearing to solicit comments on the 2009/2010 Action Plan;
2. Adopt the 2009/2010 Action Plan resolution of approval; and
3. Authorize the City Manager to execute all necessary documents.

City Manager Lollis introduced the item, and Development Associate Denise Marchant presented the staff report. During the report she advised of an additional HUD award of $98,000, an additional $191,000 in Stimulus funds; and indicated that staff would bring back amendments to account for the additional funds. Community Development Director Dunlap elaborated on the amendments and the public participatory timeframes.

The public hearing opened at 8:46 p.m. Seeing no one, the Mayor closed the public hearing at 8:47 p.m.
Mayor Hamilton inquired about the possibility of allocating some of the monies for the Heritage Ballfields. Community Development Director Dunlap spoke about HUD regulations relative to entitlement funds, and provisions for what the money could be expended for. At the Council’s request, he then elaborated on why the Murry Park Improvement Project was no longer being funded from CDBG entitlement.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council adopt the 2009/2010 Action Plan resolution of approval; and authorize the City Manager to execute all necessary documents. The motion carried unanimously.

Disposition: Approved

23. AN EXTENSION OF TIME FOR AN INTERIM ORDINANCE TO DEFER COLLECTION OF CERTAIN DEVELOPMENT IMPACT FEES TO OCCUPANCY – UPDATE REPORT

Recommendation: That the City Council hold the public hearing, consider any and all public testimony, and extend the Interim Urgency Ordinance deferral of certain development fees to occupancy for a period of 3 months and 15 days.

City Manager Lollis introduced the item, and Deputy Public Works Director/City Engineer Mike Reed presented the staff report.

The public hearing opened at 9:03 p.m. Seeing no one, the Mayor closed the public hearing at 9:04 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council extend the Interim Urgency Ordinance, being AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING INTERIM DEFERRAL OF DEVELOPER IMPACT FEES, for a period of 3 months and 15 days. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

24. VACATION OF A PORTION OF VILLA STREET NORTH OF OLIVE AVENUE (NOVROZ RAHIM)

Recommendation: That the City Council:
1. Adopt the Resolution of Vacation, including reservations, for a portion of Villa Street north of the Olive Avenue right-of-way;
2. Authorize the City Clerk to record the Resolution of Vacation; and
3. Authorize the Mayor and City Clerk to execute and record a Quitclaim Deed with the County Recorder.

City Manager Lollis introduced the item, and Deputy Public Works Director/City Engineer Reed presented the staff report.

The public hearing was opened at 9:05 p.m. Seeing no one, the Mayor closed the public hearing at 9:06 p.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council adopt the Resolution of Resolution 37-2009 Resolution 38-2009 Vacation, including reservations, for a portion of Villa Street north of the Olive Avenue right-of-way; authorize the City Clerk to record the Resolution of Vacation; and authorize the Mayor and City Clerk to execute and record a Quitclaim Deed with the County Recorder. The motion carried unanimously.

Disposition: Approved

25. ESTABLISHING FEES FOR ANIMAL CONTROL SERVICES AND SHELTERING

**Recommendation:** That City Council
1. Conduct a Public Hearing on the proposed Animal Control/Shelter fees; and
2. Adopt the fees as delineated in the Draft Resolution.

City Manager Lollis introduced the item, and Police Captain Silver Rodriguez presented the staff report.

The City Council inquired about various fees and costs associated with services provided by the shelter. Captain Rodriguez and Officer Rick Cooksey provided additional information in response to the Council’s inquiries, and a discussion ensued regarding the difficulty in scheduling spay/neuter procedures during the adoption process.

The hearing was opened to the public at 9:25 p.m.
- Nikki Edwards, spoke in favor of spay/neuter and micro-chip procedures prior to adoption, and suggested an adoption fee of $80.

The Council requested that licenses be valid for a period longer than one year to save on administrative costs. Officer Cooksey indicated that licenses could be paid for a period of up to 3 years at a discounted rate, but only if the vaccination given to the animal was valid for that same length of time. Council then directed staff to implement a discounted rate as deemed appropriate by the Animal Control Officer.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member
Resolution 39-2009 Felipe Martinez that the City Council adopt the fees as delineated in the draft resolution. The motion carried unanimously.

Disposition: Approved, and direction given.

SCHEDULED MATTERS

26. PRINTING AND DISTRIBUTION OF LEISURE UPDATE

Recommendation: To be determined by the Council.

City Manager Lollis introduced the item, and Director of Finance Maria Bemis presented the staff report, which presented two options for Council consideration:

1. Council authorize Staff to re-evaluate the specifications, removing the mailing component from the project, and negotiate with the lowest bidder to obtain the best value for the City in a timely matter; or
2. Council direct Staff to re-bid and re-advertise the project, with the understanding that the Leisure Update will not be available to households in the community until approximately July 1.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council authorize Staff to re-evaluate the specifications, removing the mailing component from the project, and negotiate with the lowest bidder to obtain the best value for the City in a timely matter. The motion carried unanimously.

Disposition: Approved

27. REPORT ON CITY PARTICIPATION IN AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Recommendation: Information Only

City Manager Lollis introduced the item and presented the staff report. Following the staff report, a discussion ensued with regard to the pursuit, use, and repayment of funds available.

Disposition: Informational item.

28. COUNCIL MEMBER REQUESTED AGENDA ITEM – REVIEW OF MUNICIPAL CODE REGULATIONS REGARDING OFF STREET PARKING IN RESIDENTIAL ZONES

Recommendation: As directed by Council.

City Manager Lollis introduced the item and presented the staff report.
Mayor Hamilton requested that staff explain the reasoning behind the prohibition of parking boats in driveways. Code Enforcement Officer Clayton Dignam spoke in favor of the current regulations, and described how complaints are typically addressed.

Community Development Director Brad Dunlap indicated that from a Planning standpoint, staff was not in support of seeing the current standards loosened.

Council Member Pedro Martinez spoke in favor of considering the condition of a boat, and possibly issuing permits during the peak boating season to allow for parking. City Attorney Lew advised that it could get difficult to enforce based on the condition, and staff spoke in favor of the prohibition. Mayor Hamilton suggested that he and Council Member Pedro Martinez meet to research the matter further.

Disposition: No staff direction given.

OTHER MATTERS

- Council Member Pedro Martinez: 1) spoke of the Mayor’s Prayer Breakfast scheduled for Thursday at 7:00 a.m.; 2) inquired as to the status of the fence at the Veteran’s Park playground; 3) spoke of the recent Neighborhood Watch presentation and noted that stickers were being sold, and inquired whether the City could obtain some for give away; 4) indicated that a constituent had requested that City Hall be power-washed; and 5) spoke of a recent request by seniors for the ability to utilize more space at the Putnam Community Center and inquired whether the City could set a meeting with the Comision to discuss the matter.

- City Manager Lollis advised that with regard to the Veteran’s Park playground fence, Porterville Rotary Club had plans on undertaking the project. Also, as to the cleaning of City Hall’s exterior, Mr. Lollis indicated that it had just been done prior to the Iris Festival.

- Council Member Ward indicated 1) that he was enjoying coaching; 2) that he recently turned 33 years of age, and 3) noted that the accumulated dust on the dais affected his allergies and requested that it be routinely cleaned.

- Council Member Felipe Martinez: 1) spoke of the blighted properties at Union and Indiana, and at Kessing and Orange, and requested both be addressed; 2) inquired about the grant for street improvements/rubberization on Orange Avenue; and 3) inquired whether any stimulus funds could be used for concrete improvements on Olive Avenue, from Porter Street to Indiana.

In response to Council Member Martinez’s question, Deputy Public Works Director Mike Reed updated the Council on the status of the work on Orange Avenue.

- Vice Mayor McCracken made mention of a possible adjourned meeting that might be requested with regard to the mosquito abatement issue.

- Mayor Hamilton elaborated on the recent discussion regarding mosquito abatement and the request for Porterville’s involvement in the formation of the district. He indicated that he would be receptive to scheduling a study session to discuss the
matter of districting, but not participation in the proposed survey.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, address on record, spoke against amending the ordinance to allow for the parking of RVs and boats in residential front yard setbacks as was proposed by Council Member Pedro Martinez.

**ADJOURNMENT**

The Council adjourned at 10:40 p.m. to a Joint Meeting of the City Council and Parks and Leisure Services Commission on May 12, 2009, at 6:00 p.m., in the Community Room, 2nd Floor, Porterville Municipal Library, 41 West Thurman Avenue, Porterville.

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Luisa Herrera, Deputy City Clerk

SEAL

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Pete V. McCracken, Mayor