Called to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Pedro Martinez (arrived at 6:05 p.m.), Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

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

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member Hamilton, Agency Member Pedro Martinez (arrived at 6:05 p.m.), Agency Member Felipe Martinez, Vice Chairman Ward, Chairman McCracken

ORAL COMMUNICATIONS
None

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

Adjourn to a meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:
   5- 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

A-1 City Attorney Julia Lew reported that the City Council and Redevelopment Agency unanimously approved authorization to join the California Redevelopment Agency in a lawsuit to challenge the State’s actions in regard to the taking of Supplemental Educational Revenue Augmentation Funds.

Council Documentation: M.O. 01-080409
Agency Documentation: PRA 01-080409

Disposition: Approved

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

PRESENTATIONS
Employee of the Month – Dare Quatacker

ORAL COMMUNICATIONS

• Ben Harvey, a Porterville resident, spoke in favor of an enforceable noise ordinance, elaborated on problems with noise, a particular ice-cream vendor, and City ordinance which are not enforced.
• Ron Irish, 768 N. Prospect, requested that he have the opportunity to speak on Public Hearing Item 21.
• Gail (last name inaudible), inquired as to how the State budget would impact the City.
• Casey (last name not provided), a Porterville resident, spoke against the Council proceeding with a resolution opposing SB 54.
• Justin Millinich, a Porterville resident, voiced support for Council Member Hamilton’s proposed resolution opposing SB 54.
• (First name inaudible) Maldanado, 1) requested more detail in the quarterly report on Animal Control (Item 13), inquired whether dead animals were checked for microchips and documented by photograph, and spoke of the need for a veterinary clinic at the new Animal Shelter facility; and 2) spoke in favor of SB 54, and against the proposed resolution.
• Greg Shelton, 888 North Williford Drive, 1) stated that the Council should not proceed with considering Item 23 due to the pending legal dispute and an unresolved FPPC investigation; and 2) spoke of SB 54, stating that it was an end-run, and voiced support for the proposed resolution.
• Christopher Slates, 854 W. Grand Avenue, spoke in favor of a veterinary clinic in the new Animal Control Shelter; and requested consideration for providing a spay/neuter service.
• Sara Villicana, 701 Palm Place, voiced concern with the language in the proposed resolution, stating that it is not based in fact; and voiced opposition to same.
• Jim Rummel, a Springville resident, thanked the Council for addressing SB54 and voiced support for taking a stand against it.
• Joe (last name inaudible), agreed with Mr. Rummel’s commentary, and spoke against SB54 and same-sex marriage.
• CeCe Townsend, a Springville resident, spoke against SB54 and same-sex marriage, and requested the Council’s opposition to same.
• Ryan (last name not provided), a Lindsay resident, expressed support for a resolution opposing SB 54, and read Bible scripture regarding sins of man.
• An unidentified individual stated that the Council’s involvement in State affairs was necessary, and spoke in favor of the proposed resolution opposing SB54.
• Edgar (last name inaudible), thanked the Council for its leadership in opposing SB54.
• Lois Innis, a Porterville resident, spoke in favor of allowing people to live as they choose, and voiced opposition to Council action as proposed.
• Andrew Ford, a Porterville resident, spoke in opposition to SB54 and requested the Council’s approval of the proposed resolution.
• Marvin (last name inaudible), a Porterville resident, voiced opposition to SB54.
• David Berg, a Springville resident, thanked the Council for its stand against SB54, and suggested the Senate Bill was a bait and switch.
• Tom Honka, 1375 W. Pioneer, spoke of the Mormon Church and of its love for all.
• Juan (last name not provided), 584 W. Kanai, suggested that everyone listen to the word of God rather than the word of man.
• Ellen Nichols, stated that the Council has more important matters to address.
• Mari Ennis, stated that all individuals should be treated equally, and spoke against the Council taking any divisive action.
• Dick Eckhoff, business address at 197 N. Main Street, stated that SB54 does not undermine Proposition 8.
• Ken (last name inaudible), a Ducor resident, spoke in favor of same-sex marriage, and voiced opposition to the proposed resolution.
• Adam (last name not provided), 353 E. Harrison Avenue, spoke in support of SB54.
• Dr. Ivan Bell, spoke of different positions and interpretations of the Bible; stated that good Christians and individuals of all faiths should support gay marriage.
• Mike Blevins, a Springville resident, read scriptures against same-sex encounters, and spoke in favor of opposition to SB54.
• Christina Harris, a Springville resident, thanked the City Council for its proposed resolution against SB54.
• Yvette (last name not provided), a Porterville resident, support the Council’s opposition to SB54.
• An unidentified individual encouraged the Council to let the public know where they stand.
• Rich Hartenburg, a Porterville resident, voiced support for the Council’s opposition to SB54.
• An unidentified individual advised the Council that several individuals opposing the proposed card room were present; and voiced support for a resolution opposing SB54. He suggested that all of those present write letters to their legislators indicating their opposition to same.
• Martha Alcazar Flores, spoke in favor of the Council’s approval of the card room license; and requested that the Council consider it as a business decision.
• John Skinner, a Porterville resident, spoke in support of the Council’s opposition to SB54, and requested that all of those opposed to the bill write letters to the legislators.
- Barry Caplan, a Porterville resident, spoke of the need for the separation of church and state, and requested that the Council not support a religious-based resolution.
- Kelly West, a Porterville resident, suggested that the U.S. Government was based on the Bible, and that it doesn’t support homosexuality.
- Duane (last name inaudible), voiced opposition to the proposed card room, voicing concerns with noise and trespassing already occurring from other businesses in his neighborhood.

City Attorney Lew noted minor typographical errors that had been corrected and submitted to the Council relative to Item No. 8.

**CONSENT CALENDAR**

Items 9, 17 and 19 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF JULY 28, 2009**

Recommendation: City Council approved the minutes of July 28, 2009

Documentation: M.O. 02-080409

Disposition: Approved

2. **BUDGET ADJUSTMENT FOR THE 2009-10 FISCAL YEAR**

Recommendation: That the Council approve the attached budget adjustments, and authorize staff to modify expenditure estimates as described on the attached schedule.

Documentation: M.O. 03-080409

Disposition: Approved

3. **CLAIM – JOHN STEWART**

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. 04-080409

Disposition: Approved

4. **CLAIM – WORD OF VICTORY CHURCH**

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. 05-080409

Disposition: Approved
5. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 06-080409
Disposition: Approved

6. AUTHORIZATION TO EXECUTE MASTER SERVICE AGREEMENT – AIRPORT ARCHITECTURAL AND ENGINEERING SERVICES

Recommendation: That City Council:
1. Accept Tartaglia Engineering as the “Engineer of Record” for current and future FAA-funded projects for a period of five (5) years, and authorize the Mayor to execute the attached Master Service Agreement with Tartaglia Engineering;
2. Authorize Staff to negotiate project specific Authorization of Services (AOS) in accordance with FAA grant requirements, and authorize the City Manager to execute the AOS as long as they are approved by the FAA, funds are available under the grant agreements, and Council has approved the acceptance and execution of the grant agreements; and
3. Authorize periodic payments under the grant terms and conditions.

Documentation: M.O. 07-080409
Disposition: Approved

7. APPROVAL OF MEASURE “R” PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:
1. Approve the attached Resolution in support of the Program Supplement to Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval, and commence with monthly reimbursement requests for transit operational costs related to Route 8.

Documentation: Resolution No. 71-2009
Disposition: Approved

8. ACCEPTANCE OF ANNEXATION WATER AGREEMENT FOR THE FAIRWAYS TRACT ANNEXATION NO. 271

Recommendation: That the City Council accept the Draft Annexation Water Agreement
between the City of Porterville and the Fairways Tract Water Company and authorize the Mayor to sign the agreement.

City Attorney Lew noted typographical changes made to the agreement, and advised Council approval of the revised version which corrected the minor typographical errors.

Documentation: M.O. 08-080409
Disposition: Approved

10. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

Recommendation: That the City Council:
1. Adopt the draft resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for $800,000 for continuation of the First Time Low Income Homebuyer Program ($800,000);
2. Authorize the Mayor to execute all documents pertaining to the HOME program; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development for administration of the HOME program.

Documentation: Resolution No. 72-2009
Disposition: Approved

11. STREET PERFORMANCE MEASURE – 4TH QUARTER UPDATE

Recommendation: Information Only

Documentation: M.O. 09-080409
Disposition: Approved

12. CODE ENFORCEMENT UPDATE

Recommendation: Information Only

Documentation: M.O. 10-080409
Disposition: Approved

13. ANIMAL CONTROL SERVICES UPDATE

Recommendation: This agenda item is for informational purposes and no specific action is requested.
14. 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. 12-080409
Disposition: Approved

15. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 13-080409
Disposition: Approved

16. THIS ITEM WAS REMOVED.

18. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 4TH QUARTER Update

Recommendation: Informational report only.

Documentation: M.O. 14-080409
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED Council Member Felipe Martinez that the City Council approve Item Nos. 1 through 8, 10 through 16, and 18. The motion carried unanimously.

9. UPDATE AND ACTION REQUEST ON ROCKY HILL 550K RESERVOIR DESIGN PROJECT

Recommendation: That the City Council:

1. Affirm that the Rocky Hill 550,000 Gallon Reservoir project is still a priority project;
2. Direct the Public Works Director to prepare and execute an addendum adjusting the final design services agreement to reflect an increase of $25,600;
3. Direct the City Manager to prepare and implement a budget adjustment to the 2009/2010 budget in the amount of $55,235 to cover start up and design completion services and that said cost be borne from the Water Replacement Fund: and
4. Direct the City Manager to prepare and implement a budget
adjustment to the 2009/2010 budget in the amount of $10,000 to cover design administration efforts and that said cost be borne from the Water Replacement Fund.

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

The Council inquired about the delay and the service area.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED Council Member Pedro Martinez that the City Council affirm that the Rocky Hill 550,000 Gallon Reservoir project is still a priority project; direct the Public Works Director to prepare and execute an addendum adjusting the final design services agreement to reflect an increase of $25,600; direct the City Manager to prepare and implement a budget adjustment to the 2009/2010 budget in the amount of $55,235 to cover start up and design completion services and that said cost be borne from the Water Replacement Fund; and direct the City Manager to prepare and implement a budget adjustment to the 2009/2010 budget in the amount of $10,000 to cover design administration efforts and that said cost be borne from the Water Replacement Fund. The motion carried unanimously.

Disposition: Approved

17. CITY IMPACTS DUE TO STATE BUDGET MODIFICATIONS

Recommendation: None- Information

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

Disposition: No action


Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit “A”.

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

Council Member Martinez inquired about the request to close the traffic line surrounding Veteran’s Park. At the request of the City Manager, Police Chief McMillan indicated that the request was for the purpose of having a motorcade, yet one was not necessary as long as the participants obeyed traffic laws.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit “A”. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

PUBLIC HEARINGS
20. CONSIDERATION OF THE ADOPTION OF A NOISE ORDINANCE

Recommendation: That the City Council:
1. Approve the proposed ordinance and give first reading to the draft ordinance.
2. Waive further reading and order the Ordinance to print.

City Manager Lollis introduced the item. Council Member Pedro Martinez recused himself due to a financial conflict, and left the Council Chambers. Mayor McCracken noted that his disc jockey business was not active, and the City Attorney advised he would only have a conflict if he expected to receive income in the next twelve months.

City Planner Ben Kimball presented the staff report, which included a demonstration of the decibel levels proposed in the noise ordinance.

The public hearing was opened at 9:22 p.m.

- Ben Harvey, a resident of Porterville, spoke in favor of the proposed ordinance and of noise issues in his neighborhood.
- Ron Irish, address on record, indicated that the past City Council did not pass the noise ordinance due to the expense of equipment required for enforcement.
- Greg Shelton, address on record, voiced concern with lower proposed levels and enforcement.
- Brock Neely, asked if the ordinance excluded public safety vehicles.
- Dick Eckhoff, address on record, inquired about hearing damage level; the handling of political sound trucks; and voiced various concerns with the proposed ordinance.
- Anthony Mock, 1570 W. Median Circle, questioned if the ordinance was well thought out and enforceable.
- Darrel (last name inaudible), voiced concern with the proposed ordinance.

The public hearing was closed at 9:32 p.m.

The Council inquired about how downtown music events and school band activities would be affected by the proposed ordinance. Community Development Director Brad Dunlap indicated that the proposed ordinance was not intended to impede community activities and noted that protection of school activities could be built into the ordinance. City Planner Kimball noted noise source
exceptions in the ordinance, which included school athletic and entertainment events and emergency service vehicles.

At the Mayor’s request, the City Attorney advised that the typical method of enforcement would be Municipal Code violation prosecutions handled through the courts, and provided clarification regarding fines.

Council Member Hamilton made a motion to approve the proposed ordinance, which was then seconded by Vice Mayor Ward. Council Member Felipe Martinez requested an amendment to change subsection C1 of Section 18-82 to increase the maximum exterior noise level in parks from 70 decibels to 75. The friendly amendment was accepted.

**COUNCIL ACTION:**

Moved by Council Member Hamilton, seconded by Vice Mayor Ward that the City Council approve the proposed ordinance, as amended, and give first reading to the draft ordinance, being an ordinance of the City Council of the City of Porterville adding to the Municipal Code Chapter 18, Article V pertaining to noise; waive further reading and order the ordinance to print.

**AYES:** Hamilton, F. Martinez, Ward, McCracken

**NOES:** None

**ABSTAIN:** P. Martinez

**ABSENT:** None

The City Attorney read the ordinance by title only.

**Disposition:** Approved, as amended.

**21. LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS**

**Recommendation:** That the City Council:

1. Conduct a public hearing on the 2009-2010 Assessments for the Landscape and Lighting Maintenance districts to take comments or receive protests on the proposed assessments; and

2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2009-2010 Fiscal Year.

3. Provide direction for preparation of a staff report for Council’s consideration at the regular meeting of August 18, 2009 on the matter of initiating a project to undertake consolidation of the Landscape Maintenance Districts along with identification of corrective options for deficit districts.

City Manager Lollis introduced the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.
A discussion ensued with regard to the assessed amount and the costs to maintain the districts. Mr. Perrine indicated that in cases where too much is assessed the excess is kept as a credit until it reaches a certain amount, after which it is then refunded.

The public hearing opened at 10:02 p.m.

- Ron Irish, address on record, voiced support for Landscape and Lighting Maintenance Districts; acknowledged Dave Zorn’s efforts; requested information on how districts are run; and suggested a meeting be scheduled to address his concerns.
- Greg Shelton, address on record, inquired if any work has gone out to bid to save on costs and promote transparency.
- Lois Innis, Glen Court in Porterville, asked if the City had any solar-produced lighting and suggested its utilization.
- Greg Woodard, 1055 W. Morton, suggested energy-efficiency retrofitting to save money; asked if money could be saved if sub contracted; and inquired about administrative costs.
- Dick Eckhoff, address on record, inquired about a time limit on districts and spoke of various concerns.

The public hearing was closed as 10:13 p.m.

At the request of the Mayor, City Attorney Lew explained that any change in the methodology for calculating the rate or an increase in rates would require a protest proceeding, which is more like a ballot proceeding, and spoke briefly about the process of consolidating districts.

A discussion then ensued regarding deficit and the performance of districts. City Manager Lollis indicated that staff’s emphasis has been how to better refine the individual districts performance. The City Attorney advised that the deficit of an existing district could be absorbed into the new district following consolidation, but that each case would have to be evaluated.

Vice Mayor Ward inquired about the possibility of the entire city being one district, and the City Attorney advised that the needs of each district would need to be considered to determine if it were fair to members of the districts to do so.

Parks and Leisure Services Director Perrine noted that maintenance of the districts were contracted out, and spoke briefly of the administrative efforts associated with the tracking of the districts.

Council Member Pedro Martinez requested the scheduling of a study session.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2009-2010 Fiscal Year; and authorize the scheduling of a study session at the Community Room. The motion carried.
unanimously.

Disposition: Approved, and direction given.

SECOND READINGS

22. ORDINANCE 1756, MAINTENANCE AND SAFETY OF RAILROAD CROSSINGS

Recommendation: That the Council give Second Reading to Ordinance No. 1756, waive further reading, and adopt said Ordinance.

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 Felipe Martinez that the City Council give Second Reading to Ordinance No. 1756, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 20-0.5 TO CHAPTER 20, ARTICLE I, AND AMENDING SECTION 20-7 AND ADDING SECTION 20-38.1 TO CHAPTER 20, ARTICLE II OF THE PORTERVILLE MUNICIPAL CODE REGARDING MAINTENANCE AND SAFETY OF RAILROAD CROSSINGS; waive further reading, and adopt said Ordinance. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS

23. APPLICATION FOR A CARD ROOM LICENSE – THE MINT CARD ROOM

Recommendation: That City Council consider the issuance of a Card Room License to applicant, for the conduct of a card room operation at 1356 West Olive Avenue.

City Manager Lollis introduced the item. Council Member Felipe Martinez recused himself due to a previously declared conflict and left the Council Chambers. Police Captain Silver Rodriguez presented the staff report.

Vice Mayor Ward indicated that he had moral objections to gambling, and expressed his concern with the proposed location’s proximity to two local schools.

Vice Mayor Ward and made a motion to deny the applicant’s request for a card room license
to conduct a card room operation at 1356 West Olive Avenue. The motion died for lack of a second.

Council Member Pedro Martinez expressed concern with the hours of operation, and the City Attorney advised that the Council did have the ability to revoke or modify the conditions of the license if issues arose. Captain Rodriguez referenced ordinance language which described the Council’s ability to grant the license subject to discretionary conditions or refuse to issue the license.

Vice Mayor McCracken suggested that the Council conduct a six month review of the license.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve the issuance of a Card Room License to the applicant, for the conduct of a card room operation at 1356 West Olive Avenue; and direct staff to provide an update/review to the Council in six months.

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

Disposition: Approved, and direction given.

24. DESIGNATION OF VOTING DELEGATES FOR LEAGUE OF CALIFORNIA CITIES 2009 ANNUAL CONFERENCE

Recommendation: That the City Council designate one City Council Member to serve as a voting delegate, and one City Council Member to serve as an alternate voting delegate, at the League of California Cities 2009 Annual Conference on September 16-18, 2009

Mayor McCracken introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council designate Vice Mayor Ward to serve as voting delegate, and Council Member Pedro Martinez to serve as an alternate voting delegate at the League of California Cities 2009 Annual Conference on September 16-18, 2009. The motion carried unanimously.

Disposition: Approved

25. CONSIDERATION OF RESOLUTION, LETTER, OR PROCLAMATION OF OPPOSITION TO STATE SENATE BILL 54 (LENO)

Recommendation: None
City Attorney Lew indicated that she had received a request from the Mayor to provide information concerning the current status of the law under Proposition 8 and how that affects the recognition of out-of-state same-sex marriages. The City Attorney elaborated on case law and legislation she reviewed in response to the request, and provided an opinion pertaining to the issue, in which she advised that the matter was still unclear consulting current case law.

Council Member Hamilton read language from Section 308 of the Family Code as it existed, and as it was being brought forth by Senator Leno; and spoke in opposition to State Senate Bill 54, commenting that Senator Leno’s version bore no similarity to the original bill.

City Attorney Lew read the draft resolution into the record, at the Council’s request.

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE OPPOSING
STATE SENATE BILL 54 (LENO)

WHEREAS, Article 1, Section 7.5 of the California Constitution reads “Only marriage between a man and a woman is valid or recognized in California”.

WHEREAS, these words reserving marriage for a man and a woman were placed into the Constitution by the people’s affirmative vote on Proposition 8 on November 5 last year.

WHEREAS, 78,578 voters in Tulare County or 75.1% of the electorate voted in favor of Proposition 8.

WHEREAS, the California Constitution, Article II, Section 1 states that “all political power is inherent in the people” and that “they have the right to alter or reform it when the public good may require”.

WHEREAS, the natural institution of marriage is, was, and should always remain a beautiful, special relationship between a husband and a wife.

WHEREAS, marriage between a man and a woman is an important and beneficial role model for children to emulate.

WHEREAS, Proposition 8 reserved marriage licenses to a man and a woman by stating that the only “valid” marriage is “marriage between a man and a woman”.

WHEREAS, Proposition 8 additionally prohibited recognition of out-of-state marriages by stating that man-woman marriages are the only marriages “recognized” by the State of California.

WHEREAS, Senate Bill 54, authored and coauthored by eight Democrats in the California Senate and Assembly, would undermine Proposition 8, the people’s vote, and the marriage institution itself by awarding marriage licenses and marriage rights to out-of-state relationships that are not “a man and a woman”.

WHEREAS, SB 54 stipulates that a “marriage” between two persons of the same sex contracted outside this state is valid in California if the marriage was contracted prior to the passage of Proposition 8.

WHEREAS, SB 54 blatantly violates Article 1, Section 7.5 of the California Constitution, which states that the “only” type of marriage “recognized” from outside California is “marriage” between a man and a woman”.

WHEREAS, the Constitution refers to marriages past, present, and future when it absolutely and unequivocally states that, “Only marriage between a man and a woman is valid or recognized in California”.

WHEREAS, the Proposition 8 proponents further stated in their ballot arguments that “Your YES vote on Proposition 8 means that only marriage between a man and a woman will be valid or recognized in California, regardless of when or where performed”.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville, in respect of the voters, the California Constitution, and for the sake of the best interests of children, the City of Porterville opposes SB 54 as a blatant violation of our state constitution and the people’s vote to reserve marriage licenses for a man and a woman in the State of California.

PASSED, APPROVED AND ADOPTED this 4th day of August, 2009.

A discussion ensued with regard to domestic partnerships, the label of marriage, and the motives behind the bill.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council approve the resolution as presented.

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

Council Member Pedro Martinez read a letter that he stated he would be personally sending to State Legislators, and requested that he or Vice Mayor Ward be designated to deliver the letter. He then encouraged all the members of the Council to send their own letters to legislators regarding various issues of concern.

Council Member Hamilton expressed disappointment with the Council’s action, and voiced concern with a blog he read about the vote on the item, and a discussion ensued with regard to the blog and the proposed travel to Sacramento. Staff was directed to put an item regarding the travel on the next agenda.

Disposition: Approved, and direction given.
ORAL COMMUNICATIONS
- Roland Davis, a Springville resident, voiced disappointment in the Council’s decision regarding SB54.
- Jessica Mahoney, thanked the Council for its vote on Item 25.
- Anthony Mock, voiced disappointment with the Council’s vote on Item 25.
- Barry Caplan, thanked the Council for its vote regarding SB54.
- Dennis Townsend, voiced dismay with the Council’s denial of the proposed resolution in Item 25.
- Marty (last name inaudible), voiced disappointment with the Council’s vote on Item 25.

OTHER MATTERS
- Council Member Felipe Martinez spoke of well issues of residents on Beverly Street south of North Grand Avenue, and of their request to connect to City water.
- Council Member Pedro Martinez thanked staff for their efforts towards the successful Kids’ Day Event held at Murry Park the previous weekend; and noted the recent passing of a City employee and requested that flowers and condolences be sent from the Council.
- Council Member Ward clarified for the record the reasons for his absences at the recent Community Forums, noting they were due to his wife’s surgery, an out-of-state family reunion, and his unavailability on Monday evenings.

ADJOURNMENT
The Council adjourned at 11:48 p.m. to the meeting of August 18, 2009 at 6:00 p.m.

______________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________
Pete V. McCracken, Mayor