CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
SEPTEMBER 1, 2009, 6:00 P.M.

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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   6- 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 AND/OR REDEVELOPMENT AGENCY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation – one individual participated.

PROCLAMATIONS
Suicide Awareness Week – September 1 – 7, 2009
PRESENTATIONS
Employee of the Month – Gabriela Cruz

ORAL COMMUNICATIONS
• Luis Farias, on behalf of El Reventon, 1091 West Olive Avenue, voiced concern with frequent police inspections, suggesting that their presence was excessive and negatively impacted his business.
• Boyd K. Leavitt, Porterville resident, lauded Mayor McCracken’s appearance on Channel 26’s Great Day Show, stating he represented the City very well.
• John Skinner, 950 N. Plano, thanked the City Council for sending Council Member Hamilton to Sacramento to present correspondence regarding opposition to SB 54 and to discuss other issues with State legislators.
• Donnette Carter, Chamber of Commerce, 1) informed everyone that Music on Main Street was returning on Friday and would continue though October, and invited all to attend the event held at Centennial Park at 6:00 p.m.; 2) invited all to First Friday Coffee to take place at the Galaxy Theater on September 4th; and 3) advised that it was the time of year for the Annual Awards and encouraged nominations.
• Dean (last name inaudible), a Porterville resident, thanked Council Member Hamilton for his recent trip to Sacramento to visit with State legislators, and thanked the Council for approving the trip.
• Dick Eckhoff, business address at 197 North Main Street, 1) lauded Jerry Hall & Trick Shot, noting the band’s generosity in donating time for the City of Hope Spectacular for the last several years; 2) spoke in favor of holiday lighting on Main Street; and 3) voiced support for the pool slide at Murry Park, inquired as to the funding and increase in the estimated cost, and distributed an alternative suggestion to the Council.
• Barry Caplan, 1) requested that the Council Minutes of August 4, 2009 be pulled from consent and amended to more accurately reflect the religious fervor of the commentary; 2) thanked the City Council for their recent action with regard to SB 54; 3) spoke in favor of Suicide Prevention Week; and 4) spoke in favor of equal rights for all.
• Dennis Townsend, business address at 633 N. Westwood St., thanked the City Council for sending Council Member Hamilton to Sacramento to address legislative issues, particularly with regard to SB 54.

CONSENT CALENDAR
Item No. 8 was removed for further discussion.

1. CITY COUNCIL MINUTES OF AUGUST 4, 2009

Recommendation: That the City Council approve the Minutes of August 4, 2009.

Documentation: M.O. 01-090109
2. **BUDGET ADJUSTMENT FOR THE 2009-10 FISCAL YEAR**

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

Documentation: M.O. 02-090109

Disposition: Approved

3. **AUTHORIZATION TO NEGOTIATE A CONTRACT – ARCHITECTURAL AND ENGINEERING SERVICES FOR THE ANIMAL SHELTER AND DOG PARK PROJECT**

Recommendation: That the City Council:
   1. Authorize staff to determine a scope of professional services and negotiate a contract with Taylor-Teter Partnership; and
   2. Authorize staff to negotiate a contract with the 2\textsuperscript{nd} or 3\textsuperscript{rd} ranked firm if staff is unable to negotiate an acceptable contract with Taylor-Teter Partnership.

Documentation: M.O. 03-090109

Disposition: Approved

4. **HOUSEHOLD HAZARDOUS WASTE RECYCLE-ONLY COLLECTION FACILITY**

Recommendation: That the City Council authorize the Mayor to sign the Agreement between the City of Porterville and Tulare County.

Documentation: M.O. 04-090109

Disposition: Approved

5. **ACCEPTANCE OF PROJECT - INDIANA STREET SHOULDER STABILIZATION (OLIVE AVENUE TO PUTNAM AVENUE)**

Recommendation: That the City Council accept the project as complete; and authorize the filing of the Notice of Completion.

Documentation: M.O. 05-090109

Disposition: Approved

6. **SET A PUBLIC HEARING FOR THE PRECISE ALIGNMENT OF MATHEW STREET BETWEEN CASTLE AVENUE AND NORTH GRAND**
Recommendation: That the City Council set October 8, 2009 as the time and place for the public hearing to adopt a precise alignment for Matthew Street between Castle Avenue and North Grand Avenue.

Documentation: M.O-06-090109
Disposition: Approved

7. TULARE COUNTY REGIONAL AND SAN JOAQUIN VALLEY BLUEPRINT

Recommendation: That the City Council adopt the proposed draft resolution making findings of consistency with the goals and policies of the San Joaquin Valley Blueprint.

Documentation: Resolution 81-2009
Disposition: Approved

9. APPROVE A SOUTHERN CALIFORNIA EDISON COMPANY ENERGY INCENTIVE APPLICATION FOR AIRPORT TAXIWAY LED LIGHTING PROJECT

Recommendation: Approve a SCE energy incentive application for the Airport Taxiway LED Lighting Project, and authorize and direct the mayor to execute same.

Documentation: M.O. 07-090109
Disposition: Approved

10. OPERATING AGREEMENT WITH JEFF GILWITZ FOR HEAD PROFESSIONAL SERVICES AT THE GOLF COURSE

Recommendation: Staff recommends approval by the City Council of the Operating Agreement.

Documentation: M.O. 08-090109
Disposition: Approved

11. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH TULARE COUNTY

Recommendation: That the City Council enter into an Agreement with the County of Tulare for FY 2009-2010 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.

Documentation: M.O. 09-090109
Disposition: Approved

12. EAGLE MOUNTAIN AIRSHOW RECAP
Recommendation: For Information Only.

Disposition: None

13. APPROVAL FOR COMMUNITY CIVIC EVENT – BARN THEATER – PORTERVILLE BUZZARD FESTIVAL – OCTOBER 17, 2009

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 10-090109

Disposition: Approved

14. APPROVAL FOR COMMUNITY CIVIC EVENT – FAMILY HEALTHCARE NETWORK – 9TH ANNUAL HEALTH AND SAFETY FAIR – SUNDAY, OCTOBER 18, 2009

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Family Healthcare Network, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: M.O. 11-090109

Disposition: Approved

15. APPROVAL FOR COMMUNITY CIVIC EVENT – FATHERS AGAINST DRUNK DRIVING AND COMISION HONORIFICA MEXICANA-AMERICANA, INC. - FIRST ANNUAL WALK-A-THON

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Fathers Against Drunk Driving and Comision Honorifica Mexicana-Americana, Inc., subject to the stated requirements contained in Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 12-090109

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council accept Item Nos. 1 through 7, and 9 through 15. The motion carried unanimously.

8. AUTHORIZE PREPARATION OF SPECIFICATIONS AND REQUEST FOR BIDS FOR DOWNTOWN HOLIDAY LIGHTING
Recommendation: That the City Council authorize preparation of specifications and request for bids for downtown holiday lighting.

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

Vice Mayor Ward expressed concern with the lighting on the City Christmas Tree, and inquired about local organization involvement and the purchase of lights as an alternative. Council Member Pedro Martinez indicated that he too would like to see more community involvement in the decorating of the downtown area.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Pedro Martinez that the City Council deny staff’s request to authorize the preparation of specifications and request for bids for downtown holiday lighting; and authorize the formation of a sub committee consisting of Vice Mayor Ward and Council Member Pedro Martinez to consider alternatives for Main Street decorations.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize preparation of specifications and request for bids for downtown holiday lighting.

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

Disposition: Approved

PUBLIC HEARINGS

16. A PUBLIC HEARING TO CONSIDER MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 4-2007 (BRICKHOUSE BAR & GRILL)

Recommendation: That the City Council consider the information presented and take action accordingly.

Mayor McCracken and Council Member Felipe Martinez recused themselves due to previously disclosed conflicts of interest, and left the Council Chambers. Vice Mayor Ward served as Mayor Pro Tem in the Mayor’s absence.
City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

The hearing opened to the public at 7:47 p.m.

- Chris Sanders, 450 Colby Place, read a letter from David Gonzalez to the Council, and noted that the door had been repaired on the north side of the building.

- Jessica Mahoney, Terra Bella resident, voiced support for the Brickhouse establishment, noted the proposed mix-use for the downtown area and the need for the co-existence of uses.

- Reba (last name inaudible), Glenwood Motel resident, complained about the noise generated by the music on Friday and Saturday nights.

- Chris Sanders, address on record, invited staff to attend upcoming live music performances to measure decibel levels.

- Barry Caplan, spoke in support of the Brickhouse establishment, and noted that the 2030 General Plan and the Noise Ordinance only considered the single point of origin.

- Susan, Glenwood Hotel resident, spoke in support of the Brickhouse, and indicated that residents were informed of and should expect noise in the downtown area.

- Colleen Kellum, Glenwood Hotel resident, complained of noise generated by the Brickhouse’s entertainment.

- Greg Shelton, 888 N. Wiliford Drive, indicated that he saw both sides of the issues, commented on the viability of mix-use and the likelihood of future problems.

- Dick Eckhoff, address on record, voiced support for a mix-use downtown, suggested that the issue was not representative of the idea of mix-use, but a contrast of two extremes.

The public hearing was closed at 8:03 p.m.

Council Member Hamilton spoke of the need for co-existence and the progress made through dialogue. He then suggested that the public hearing be continued until the Noise Ordinance was in effect, and to allow additional noise level readings.

The City Attorney requested clarification on the motion, and advised that the public hearing be continued, with the acknowledgement that there may not be a need for Council action.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council continue consideration of the item and the public hearing to the first meeting in November; and direct staff to obtain additional dB readings.
Disposition: Item continued, and staff direction given.

The Council recessed for ten minutes.

17. CONDITIONAL USE PERMIT 2-2009 - PROPOSED MODULAR CLASSROOM AT THE CALVARY BAPTIST CHURCH, LOCATED AT THE SOUTHEAST CORNER OF NORTH GRAND AVENUE AND NEWCOMB STREET

Recommendation: That the City Council open the public hearing and continue the matter to the September 15, 2009 City Council meeting.

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

Community Development Director Dunlap communicated that the applicant requested the item be continued to the next meeting, and City Attorney Lew advised that the public hearing be opened, and then continued to September 15th.

The public hearing was opened at 8:27 p.m. and was continued to September 15, 2009.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council continue the public hearing to the September 15, 2009 City Council meeting. The motion carried unanimously.

Disposition: Item continued.

SCHEDULED MATTERS
18. CONSIDERATION OF FUNDING MURRY PARK POOL SLIDE INSTALLATION

Recommendation: That the City Council:

1. Determine whether to proceed with the completion of the Murry Park Pool slide project; and

2. If such a determination is made, authorize staff to proceed with the amendment to the 09/10 Action Plan, including the publication.

City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council authorize staff to proceed with the amendment to the 09/10 Action Plan, including the publication; and come back to the City Council with options for heating.

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

Disposition: Approved, and direction given.

19. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF AN AD HOC COMMITTEE REGARDING THE PROVISION OF WATER SERVICES TO CITY RESIDENTS

Recommendation: None.

City Manager Lollis introduced the item and presented the staff report. Council Member Felipe Martinez elaborated on the reasoning for his request.

COUNCIL ACTION: MOVED by Mayor McCracken, SECONDED by Council Member Pedro Martinez that the City Council authorize the formation of an ad hoc committee; and appoint Council Member Hamilton and Council Member Felipe Martinez to serve on the committee. The motion carried unanimously.

Disposition: Approved

20. COUNCIL MEMBER REQUESTED AGENDA ITEM – ANNUAL ADJUSTMENTS TO DEVELOPMENT IMPACT FEES IN ACCORDANCE WITH ENGINEERING NEWS RECORD

Recommendation: None.

City Manager Lollis introduced the item.

After a brief discussion, the Mayor Hamilton made a motion to direct staff to bring back options for rescinding resolutions establishing automatic increases per ENR and instead establish process for public hearing. The motion was seconded by Council Member Felipe Martinez. City Attorney Lew advised against such action due to the wording of the item on the agenda, and suggested that a separate item be brought back for Council action. Council Member Hamilton withdrew the motion.

Staff was then directed by the Council to bring back options for rescinding resolutions establishing automatic increases per ENR and instead establish process for public hearing.
Disposition: Staff direction given.

The Council adjourned at 8:45 p.m. to a Meeting of the Porterville Redevelopment Agency.

REDEVELOPMENT AGENCY MINUTES

September 1, 2009

Roll Call: Agency Member Cameron Hamilton, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Vice-Chairman Ward, Chairman McCracken

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
PRA-01 AUTHORIZATION TO EXECUTE LEASE AMENDMENT

Recommendation: That the Redevelopment Agency approve the Agreement for Lease of Premises Amendment between the Porterville Redevelopment Agency and A-STEP, Inc.

Chairman McCracken recused himself due to his businesses’ proximity to the property in Items PRA-01 and PRA-02, and exited the Council chambers.

Vice Chair Ward introduced the item, and the staff report was waived at the Agency’s request.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Felipe Martinez that the Agency approve the Agreement for Lease of Premises Amendment between the Porterville Redevelopment Agency and A-STEP, Inc.

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

Disposition: Approved

PRA-02 AUTHORIZATION TO REPLACE ROOF AT 287 N. HOCKETT STREET

Recommendation: That the Redevelopment Agency:

1. Authorize a budget adjustment in an amount not to exceed $13,500 for the replacement of the roof at the Redevelopment Agency owned building located at 287 N. Hockett Street;
2. Authorize preparation of the project manual; and
3. Authorize staff to advertise for bids on the project.

Agency Secretary Lollis introduced the item, and the staff report was waived at the Agency’s request.

**AGENCY ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the Redevelopment Agency authorize a budget adjustment in an amount not to exceed $13,500 for the replacement of the roof at the Redevelopment Agency owned building located at 287 N. Hockett Street; authorize preparation of the project manual; and authorize staff to advertise for bids on the project.

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

Disposition: Approved

The Agency adjourned at 8:48 p.m. to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

- Jessica Mahoney, a Terra Bella resident, commented that the pool slide discussed that evening looked more like a water slide; spoke in favor of the project; and noted that it would likely increase the need for additional lifeguards.

- Barry Caplan, 1) agreed that the pool should be made to be available year-round; and 2) spoke of the City of Mountain View, California, suggesting that 50 years ago, it was similar to Porterville, and commented that the Council and staff ought to look to that City as a model for growth and redevelopment.

**OTHER MATTERS**

- Council Member Hamilton reported on his recent trip to Sacramento pursuant to AB 1234, elaborating on the various legislative issues discussed with State legislators pursuant to Council direction.

- Council Member Felipe Martinez 1) provided an AB 1234 report on his recent trip with TCAG to Sacramento to meet with State legislators regarding roads, and indicated that two local viable projects included a new bridge for Road 146 and the widening of Highway 190; and 2) requested an agenda item to consider amending the City’s policy on firework booth applications to potentially restrict awards for consecutive years and to prohibit the Chamber’s participation in the lottery.

- Vice Mayor Ward 1) updated the Council on recent meetings held with City staff concerning improving literacy for pre-kindergarten ages, and spoke of his interest in meeting with other agencies and organizations to address ways to assist parents in this regard; and 2) spoke of concerns raised by citizens due to commercial trucks parking in front of the Adult School, and requested that the Council look to resolve the parking issue.
• Council Member Hamilton acknowledged City Fire personnel currently out of County fighting fires and wished them well.
• Mayor McCracken spoke of his recent appearance on the “Great Day” show on Channel 26 and thanked Mr. Leavitt for his comments.
• City Manager Lollis spoke of the ribbon cutting ceremony for the new CNG Fueling Facility on Prospect Street scheduled for the following morning at 9:00 a.m. He then noted the rescheduling of the Board of Supervisor’s Meeting to that same morning due to a Freon leak on Tuesday, and advised that this rescheduling might affect the attendance of some guests.

The Council recessed for ten minutes then reconvened in Closed Session.

CLOSED SESSION
The Council reconvened in Open Session at 9:50 p.m., during which time it was reported that no action had taken place during Closed Session.

ADJOURNMENT
The Council adjourned at 9:51 p.m. to the meeting of September 15, 2009 at 6:00 p.m.

SEAL

Luisa Herrera, Deputy City Clerk

Pete V. McCracken, Mayor