Call to Order at 7:00 p.m.
Roll Call: Council Member Martinez, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West
Absent: Council Member Irish

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation - A Moment of Silence was observed.

**PROCLAMATION**

“Domestic Violence Awareness Month” - October, 2005
Mayor Pro Tem Hamilton read and presented the Proclamation to Central California Family Crisis Center Board (“CCFCC”) President Robert Krase. Mr. Krase thanked the Council and introduced everyone to the new CCFCC Executive Director Katrina Carmichael, who invited everyone to the candlelight vigil “Take Back the Night” to be held at Porterville College on October 13, 2005 at 5:00 p.m.

Mayor Pro Tem Hamilton spoke of Council Member Martinez’s job with Child Welfare Services and the admirable work he did. At Mayor Pro Tem Hamilton’s invitation, Council Member Martinez spoke of the challenges of protecting children and thanked Mr. Krase and Ms. Carmichael for their work.

**PRESENTATIONS**

Welcome to New Orleans Family
The Crittendon, Maxie and Barrow Families were not present.
Employee Service Awards
Raul Buenrostro - Five Years
Brad Dunlap - Five Years

**ORAL COMMUNICATIONS**

• Mary McClure, 22665 Avenue 178, requested that the Council place on the next Agenda an item to consider allowing her use of the parking lot adjacent to her property at 379 North Hockett Street.
• Renee Sprague, business address at 75 North D Street, spoke in favor of the proposed project on Oak Street, Item No. 27.
• Dick Eckhoff, Downtown Porterville Association, 180 North Main Street, requested that he be allowed to speak on Item 27 when the Council considered that item.
• Dorothy Olson, 472 North Villa Street, requested that she also be allowed to speak regarding Item 27.
• Pam Hughes, business address at 177 North Main Street, spoke against Item 27, referenced the letters in opposition to the proposed project that were previously provided to the Council, and provided additional letters in opposition.
Council Member Stadtherr noted that Council Member Irish had not yet had the opportunity to review the letters in opposition provided to the Council with respect to Item 27. He requested that Item 27 be continued until October 4, 2005.

27. ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE DOWNTOWN PARKING PROJECT - PHASE 2

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council continue Item 27 until October 4, 2005.

M.O. 01-092005

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Continued to October 4, 2005.

CONSENT CALENDAR
Items 4, 5, 6, 12, 14, and 22 were removed for further discussion.

1. CITY COUNCIL MINUTES JULY 8, 2005 AND AUGUST 1, 2005

Recommendation: That the Council approve the City Council Minutes of July 8, 2005 and August 1, 2005.

Documentation: M.O. 02-092005
Disposition: Approved.

2. CLAIM - FOX TRANSPORT

Recommendation: 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. 03-092005
Disposition: Approved.

3. CLAIM - HERNANDEZ

Recommendation: 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. 04-092005
Disposition: Approved.

7. CLAIM - SANCHEZ

Recommendation: 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.
8. BUDGET ADJUSTMENTS FOR THE 2005/2006 FISCAL YEAR

Recommendation: That the Council approve the budget adjustments and authorize staff to modify revenue and expenditure estimates to increase the appropriation in the City Council Budget by $9,000 to allow for the creation of a laptop computer program for the Council and City Manager.

Documentation: M.O. 06-092005
Disposition: Approved.

9. AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 29 PROJECT (DRILLING PHASE)

Recommendation: That the City Council:
1. Approve the Plans and Project Manual;
2. Authorize staff to advertise for bids on the Project; and
3. Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.

Documentation: M.O. 07-092005
Disposition: Approved.

10. AUTHORIZE PROFESSIONAL SERVICES MASTER AGREEMENT WITH WILLDAN FOR ENGINEERING & PROJECT MANAGEMENT

Recommendation: That the Council approve the Professional Services Master Agreement with Willdan, and authorize and direct its signing and implementation.

Documentation: M.O. 08-092005
Disposition: Approved.

11. AWARD OF CONTRACT - SKATEBOARD PARK PARKING LOT

Recommendation: That the City Council:
1. Award the Skateboard Park Parking Lot Project to Sierra Range Construction Co. in the amount of $100,671.62;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 09-092005
Disposition: Approved.
13. FIRST AMENDMENT TO AGREEMENT REGARDING CITY/COUNTY MAINTENANCE OF PORTIONS OF CASTLE AVENUE AND PROSPECT STREET

Recommendation: That the City Council:
1. Approve the First Amendment to Agreement No. 22322 as written; and
2. Authorize the Mayor to sign the Agreement with the County.

Documentation: M.O. 10-092005
Disposition: Approved.

15. SET PUBLIC HEARING FOR SEWER USER SURCHARGE FEES FOR INDUSTRIAL DISCHARGERS

Recommendation: That the City Council set a public hearing for November 1, 2005 to consider comments on the draft resolution setting new sewer user surcharge rates for industrial dischargers.

Documentation: M.O. 11-092005
Disposition: Approved.

16. REAUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF TULARE TO PURCHASE TAX-DEFAULT PROPERTIES

Recommendation: That the City Council:
1. Adopt a Resolution restating the objection to the sale of a tax-defaulted property and reauthorizing the execution of an agreement to purchase a tax-defaulted property identified as Parcel 261-052-019-000; and
2. Authorize the Mayor to sign all necessary documents to complete the transaction.

Documentation: Resolution 140-2005
Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT BURTON MIDDLE SCHOOL - PORTERVILLE AREA MIDDLE SCHOOL BAND REVIEW

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Burton Middle School, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Forms.

Documentation: M.O. 12-092005
Disposition: Approved.

18. APPROVAL FOR COMMUNITY CIVIC EVENT BARN THEATER - ANTIQUE AND COLLECTIBLES SALE SEPTEMBER 24, 2005
Recommendation: That the City 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 Forms.

Documentation: M.O. 13-092005
Disposition: Approved.

19. OPEN APPLICATION PROCESS FOR PARKS AND LEISURE SERVICES COMMISSION AS WELL AS LIBRARY BOARD OF TRUSTEES

Recommendation: That the City Council accept the resignation of Jeff Keele, and open the application process for:
• One seat on the Parks & Leisure Services Commission expiring October 2007;
• Four seats on the Parks & Leisure Services Commission expiring October 2009;
• One seat on the Library Board of Trustees expiring October 2006; and
• One seat on the Library Board of Trustees expiring October 2008.

Documentation: M.O. 14-092005
Disposition: Approved.

20. AUTHORIZATION TO ROLL DELINQUENT ACCOUNTS AND WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council approve the draft resolution authorizing the County Auditor to place these delinquent items on the property tax rolls for collection.

Documentation: Resolution 141-2005
Disposition: Approved.

21. APPROVAL OF HONOR OUR VETERANS’ RALLY

Recommendation: That the City Council approve the event, date, time and location.

Documentation: M.O. 15-092005
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve items 1 through 3, 7 through 11, 13, and 15 through 21.

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Irish
4. CLAIM - PALOMARES

Recommendation: That the Council reject said claim, refer the matter to the City Attorney, and direct the City Clerk to give the claimant proper notification.

City Manager John Longley presented the item.

Mayor Pro Tem Hamilton indicated that he had pulled Items 4, 5 and 6 due to his suspicion that fraud might be involved in the claims. He noted that estimates for many of the claims against the City for alleged rim and/or tire damage were provided by the same shop. He requested that staff notify the District Attorney’s Office of potential fraud.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council approve staff’s recommendation on Items 4, 5 and 6 to reject said claims, refer the matters to the City Attorney, and direct the City Clerk to give claimants proper notification.

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved (Items 4, 5 and 6)

5. CLAIM - ANAYA

Recommendation: That the Council reject said claim, refer the matter to the City Attorney, and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 16-092005 (See Item No. 4)
Disposition: Approved.

6. CLAIM - VARGAS

Recommendation: That the Council reject said claim, refer the matter to the City Attorney, and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 16-092005 (See Item No. 4)
Disposition: Approved.

12. ACCEPTANCE OF THE PORTERVILLE HERITAGE CENTER

Recommendation: That the City Council:
1. Accept the Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, less any funds due to the City for liquidated damages and provided no stop notices have been filed.
City Manager John Longley presented the item.

The Council clarified with staff that no action by the Council that evening would delay the filing of the Notice of Completion and payment of the subcontractors, yet would allow for further discretion in negotiating a settlement.

**COUNCIL ACTION:** MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council continue Item 12 and direct staff to place the M.O. 17-092005 Item on the Closed Session Agenda for the next regular meeting.

AYES: Martinez, Hamilton, Stadtherr, West

NOES: None

ABSTAIN: None

ABSENT: Irish

Disposition: Continued to Closed Session on October 4, 2005.

14. APPOINTMENT OF TWO (2) ADDITIONAL MEMBERS TO THE GENERAL PLAN ADVISORY COMMITTEE

Recommendation: That the City Council appoint the additional two individuals to the General Plan Update Advisory Committee as proposed.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Council Member Stadtherr voiced concern with opening up the membership of the Committee five months after that Committee had been established. He then commented that the General Plan Advisory Committee meetings were opened to the public. A discussion ensued as to the benefits of having a seat on the Committee versus merely attending the meetings.

Mayor Pro Tem Hamilton commented that representation from the local Agriculture Industry had been inadvertently left out of the Committee, and confirmed with staff that a substantial portion of the growth area surrounding developed land was agricultural. He stated that TCAG had offered to assist with community outreach, and suggested they might be able to assist with the Agricultural Industry. Council Member Hamilton then pointed out that no rush to judgment should be made, as updating the General Plan was important. He then suggested that the Item be continued so as to allow the Council to further review the matter and speak with the Ag Industry.

Staff informed the Council that only one meeting had been held since the establishment of the Committee, and that the second meeting was scheduled for October 12, 2005.

Council Member Martinez commented that if membership on the Committee was again opened up, other individuals might also wish to be added.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council continue the matter and direct staff to place the item on the Agenda for the Meeting of October 4, 2005.

M.O. 18-092005

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved.

Mayor Pro Tem Hamilton stated that he had intended to pull Item 19 from the Consent Calendar for discussion, but noted that the Item had already been approved. He then clarified with the City Attorney the procedure by which the Item could be reconsidered.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council reconsider Item 19.

M.O. 19-092005

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Irish

19. OPEN APPLICATION PROCESS FOR PARKS AND LEISURE SERVICES COMMISSION AS WELL AS LIBRARY BOARD OF TRUSTEES

Recommendation: That the City Council accept the resignation of Jeff Keele, and open the application process for:
• One seat on the Parks & Leisure Services Commission expiring October 2007;
• Four seats on the Parks & Leisure Services Commission expiring October 2009;
• One seat on the Library Board of Trustees expiring October 2006; and
• One seat on the Library Board of Trustees expiring October 2008.

Mayor Pro Tem Hamilton stated that he had requested reconsideration of that item so as to immediately fill one of the vacancies that evening. He noted that the Council had received an application from Mr. John Hardin. He stated that he had confirmed Mr. Hardin’s willingness to serve on the Committee and that he would like to appoint him now.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council accept the resignation of Mr. Jeff Keele, appoint Mr. John Hardin to the vacant seat of Jeff Keele which expires in October, 2007; and open the application process for four seats on the Parks & Leisure Services Commission expiring October 2009; one seat on the Library Board of Trustees expiring October 2006; and one seat on the Library Board of Trustees expiring October 2008.
AYES: Martinez, Hamilton, Stadtherr, West  
NOES: None  
ABSTAIN: None  
ABSENT: Irish  

Disposition: Approved, as amended.  

22. RATIFICATION OF TRAVEL PLANS FOR COUNCIL REPRESENTATIVE TO PARTICIPATE IN PROJECT DISCUSSIONS REGARDING SUCCESS DAM REMEDIATION IN WASHINGTON, D.C.  

Recommendation: It is the City Manager’s recommendation that at the request of Mayor West, that he be authorized to travel to Washington, D.C. to participate in discussions and negotiations regarding the structural remediation of Success Dam.  

City Manager John Longley presented the item and the staff report, noting a revision in the staff report to Mayor Pro Tem Hamilton’s interest in also traveling to Washington, D.C. with Mayor West. He indicated the recommendation was amended to authorize both the Mayor and Mayor Pro Tem’s travel to Washington, D.C.  

After some discussion on the reasons behind the trip to Washington, D.C., Council Member Martinez spoke in favor of authorizing the travel.  

Mayor Pro Tem Hamilton informed everybody of the itinerary to date.  

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Stadtherr that the Council authorize Mayor West and Mayor Pro Tem Hamilton to travel to Washington, D.C. to participate in discussions and negotiations on behalf of the City of Porterville regarding the structural remediation of Success Dam.  

AYES: Martinez, Hamilton, Stadtherr, West  
NOES: None  
ABSTAIN: None  
ABSENT: Irish  

Disposition: Approved, as amended.  

PUBLIC HEARING  

23. SIERRA MEADOWS PHASE 2  

Recommendation: That the City Council:  
1. Adopt the already approved resolution supporting the Negative Declaration for General Plan Amendment 1-2005(b), Zone Change 2-2005 and the conceptual plan for the 61 lot rural residential subdivision; and  
2. Adopt the draft resolution approving Sierra Meadows Phase 2 Tentative Subdivision Map.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap noted a numerical typographical error in the proposed resolution provided in the staff report and indicated that it would be corrected. He also indicated that Condition No. 20 should be amended to read:

"That the City is requesting that developer/applicant grant approval to explore the feasibility of converting the existing agricultural water well on Jaye Street to a municipal water well. If the conversion proves to be viable, the City may approach the owner with an option to purchase property large enough to house a municipal water well facility (about 6,400 sq. ft.). Acquisition of property will be in accordance with the City’s adopted property acquisition procedures."

The public hearing opened at 7:37 p.m.

- Jim Winton, business address at 150 West Morton Avenue, came forward on behalf of Applicant Smee Builders and requested that the Council approve the item.

The public hearing closed at 7:39 p.m.

In response to a question posed by Mayor Pro Tem Hamilton, staff offered an explanation as to the dedications and easements necessary for right-of-way.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council adopt the already approved resolution supporting Resolution 142-2005 the Negative Declaration for General Plan Amendment 1-2005(b), Zone Change 2-2005, and the conceptual plan for the 61 lot rural residential subdivision; and adopt the draft resolution, as amended to correct numerical typographical errors and revising Condition No. 20, approving Sierra Meadows Phase 2 Tentative Subdivision Map.

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved, as amended.

24. WATER CONSERVATION PHASE III WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Return to Phase I of the Water Conservation Plan; and
2. Continue Phase I Water Conservation efforts.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.
The public hearing opened at 7:43 p.m. and closed at 7:44 p.m. when nobody came forward.

Mayor Pro Tem Hamilton requested that staff issue a “thank you for conserving” message to the public.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council direct staff to return to Phase I of the Water M.O. 22-092005 Conservation Plan; and continue with Phase I Water Conservation efforts.

| AYES: Martinez, Hamilton, Stadtherr, Irish |
| NOES: None |
| ABSTAIN: None |
| ABSENT: Irish |

Disposition: Approved.

**SECOND READING**

25. ORDINANCE 1660, ZONE CHANGE 6-2004 (STEVE VANG)

Recommendation: That the Council give Second Reading to Ordinance No. 1660 and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

**COUNCIL ACTION:** MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council give Second Reading to Ordinance No. 1660, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF Ordinance 1660 PORTERVILLE APPROVING ZONE CHANGE 6-2004 BEING A CHANGE OF ZONING FROM R-1 (ONE FAMILY RESIDENTIAL) TO C-3 (D) (HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR 40 NORTH KESSING STREET AND FROM C-3 (HEAVY COMMERCIAL) TO C-3(D) (HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR 356 WEST OLIVE AVENUE.

| AYES: Martinez, Hamilton, Stadtherr, West |
| NOES: None |
| ABSTAIN: None |
| ABSENT: Irish |

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

**SCHEDULED MATTERS**

26. "D" OVERLAY 4-2005 (TERRY SCHULER)
Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 4-2005 subject to conditions of approval.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Council Member Stadtherr clarified with staff that the width of the setback from the building to the property line was eight feet.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 4-2005 subject to conditions of approval.

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Irish

Disposition: Approved.

Adjourn to a Meeting of the Porterville Public Improvement Corporation

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Director Martinez, Vice-President Hamilton, Director Stadtherr, President West
Absent: Director Irish

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PIC-01-05 PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:
1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2005 Status Report for Certificates of Participation Projects.

City Manager/Secretary John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.
Vice-President Hamilton clarified with staff that the issue of refinancing the Certificates of Participation would be brought back before the Council and the Public Improvement Corporation likely within one month.

**AGENCY ACTION:** MOVED by Director Stadtherr, SECONDED by Vice-President Hamilton that the City Council, sitting as the Porterville Public Improvement Corporation, approve the election of officers and the 2005 Status Report for Certificates of Participation Projects.

AYES: Martinez, Hamilton, Stadtherr, West  
NOES: None  
ABSTAIN: None  
ABSENT: Irish

Disposition: Approved.

Adjourn to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**  
- Greg Shelton, 888 N. Williford Drive, requested that he too be considered for appointment to the General Plan Advisory Committee.  
- Dick Eckhoff, 197 North Main Street, clarified with staff that the timeline for the rehabilitation of the Tule River Bridge on Plano Street was April/May 2006 and that more immediate repairs to the railing would be attempted.

**OTHER MATTERS**  
- Council Member Martinez requested the following items be placed on Council’s Agenda:  
  1. Consideration of a monthly bus pass;  
  2. Sunday bus service, including pros and cons; and  
  3. Consideration of Resolution pledging support for the Pledge of Allegiance.  
- Council Member Martinez also requested that the Parks & Leisure Service Commission be directed to look into parking fees at the Sports Complex.  
- Council Member Stadtherr requested the following items be place on the next Agenda:  
  1. Adoption of Resolution opposing San Joaquin Valley Air Pollution Control District draft Rules 9510 and 3180.  
  2. Adoption of the Ahwahnee Principles for the City of Porterville Master Plan (Mayor Pro Tem Hamilton suggested, and Council Member Stadtherr agreed, that the item could first go to the General Plan Advisory Committee.)  
- Council Member Stadtherr requested that staff look into the deteriorated condition of the Porterville Drive-In.  
- Mayor Pro Tem Hamilton requested that consideration of cancelling the Nuckols Farming Agreement be placed on the October 4, 2005 Agenda. He then updated the Council on a recent meeting with Dr. Snavely of Burton School District and informed everyone of infrastructural improvements made by the District for Granite Hills High School, which included: construction of a major water retention basin for storm runoff north of the school site; enlargement of an existing storm runoff retention basin south of the site; installation of new sewer line along Olive Avenue frontage to replace existing sewer line; installation
of storm drain line through site from north to south; and connection to existing water line approximately .25 miles to the west. He then thanked the School District for their participation in the infrastructure improvements.

- Mayor West requested that matter regarding Ms. McClure’s property on Hockett Street be placed on the next Agenda; and invited everybody to the Mayor’s Prayer Breakfast on October 13th at 7:30 a.m. at the Grand Methodist Church.

**ADJOURNMENT**

The Council adjourned at 8:06 p.m. to the meeting of September 30, 2005, 9:00 a.m.

__________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

______________________________
Kelly West, Mayor