Call to Order
Roll Call

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter scheduled for Closed Session.

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Patrick Greene v. City of Porterville.
   2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Four Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Mayor Kelly West
Invocation

PRESENTATION
City Manager’s Featured Projects for August, 2005

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.

CONSENT CALENDAR
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.
1. **Claim - Salvador Ledesma**  
Re: A claim against the City for property damage caused by a pothole in the roadway on Henderson Avenue at Fourth Street. Mr. Ledesma is claiming his tires were damaged on July 10, 2005. The amount being claimed is $3,000.62.

2. **Claim - Desiree Logan**  
Re: A claim against the City for property damage and personal injury caused by sewage backflow on May 29, 2005, from a blocked City sewer main. Ms. Logan is claiming damages caused by sewage, and the resulting parasites contracted by her son. The amount being claimed as of the date of the claim is $777.50.

3. **Claim - Ismael Talavera**  
Re: A claim against the City for property damage caused by a pothole in the roadway at Jean Avenue and Lindale Street. Mr. Talavera is claiming his tire was damaged on June 24, 2005. The amount being claimed is $305.09.

4. **Claim - Samuel Wyatt**  
Re: A claim against the City for property damage caused by a pothole in the roadway on Gibbons Avenue, west of North Kessing Street. Mr. Wyatt is claiming his tires were damaged on March 21, 2005. The amount being claimed is $635.36.

5. **Claim - Salvador Gurrola**  
Re: A claim against the City for property damage caused by a dip in the roadway at Villa Avenue and Bellevue Street. Mr. Gurrola is claiming his vehicle, tires, rims and alignment were damaged on June 26, 2005. The amount being claimed is $2,618.77.

6. **Claim - Nelida Cordero**  
Re: A claim against the City for personal injury caused by the wrongful death of the claimant’s son on February 12, 2005. Ms. Cordero is claiming that the Porterville Police and Tulare County Deputies conspired in her son’s death, which was determined a suicide. The amount being claimed as of the date of the claim is within the jurisdiction of the Superior Court.

7. **Claim - Porterville Unified School District**  
Re: A claim against the City for property damage caused by a City sewer line break on January 31, 2005, at Roche Avenue School. The District is claiming sewage damage to several classrooms, and the resulting repairs and cleanup. The amount being claimed as of the date of the claim is within the jurisdiction of the Superior Court.

8. **Budget Adjustments for the 2005/06 Fiscal Year; Consideration of Adopted City Council Budget Strategy and Early Repayment of State of California VLF Gap Loan**  
Re: Consideration of receiving the Gap Loan monies as revenue, recognizing the Budget as balanced by the 2005/06 Fiscal Year, and revising the projected available (exclusive of “Lock Box”) General Fund Balance to be $1,420,070 (equivalent to 6.8% of General Fund spending).

9. **Authorization to Reject all Bids and Re-Advertise Scenic Heights Waterline Relocation Project**  
Re: Rejecting the bid of $54,040.00 from Dawson-Mauldin, Selma, and going back out to bid the project again.
10. Acceptance of Final Subdivision Map - New Expressions, Phase Four Subdivision (Ennis Land Development, LLC)
Re: Accepting the map for a single family residential project located east of State Highway 65, west of Indiana Street, north of McIntire Avenue and south of Swearingen Avenue

11. Approval of Relocation Plan for Property Located at APN 261-093-019 - Owner Joe M and Evalina B Cruz - Date Avenue Street Project
Re: Approving a relocation plan to complete a purchase of right of way by the City.

12. Clerical Modifications for Resolutions Approving Negative Declarations and Annexations (Ratification)
Re: Ratifying approval of six individual resolutions derived from one combined resolution presented at the August 2, 2005 Council meeting.

13. Sunrise Villa Phase 2&3, Tentative Subdivision Map
Re: Notification that the public hearing scheduled for this meeting is rescheduled for September 6, 2005.

14. Proposed Community Development Fee Adjustments
Re: Setting the date of September 6, 2005, for the public hearing to consider modifications to the fee schedule as it relates to fees associated with the Department of Community Development.

15. Intent to Vacate Portions of Scranton Avenue and Holcomb Street with the Porterville Developmental Center (State of California)
Re: Approving a Resolution of Intent, and setting the date of September 6, 2005, for the public hearing to consider this vacation.

16. Change in the Table of Organization–Public Works Department/Field Services Division
Re: Approving a change in the Water Section of Field Services to reflect 24 Field Services Worker II and seven Field Services Worker III positions, and modifying the Employee Pay and Benefit Plan Position Allocation Schedule to show that change.

Re: Approving this event at the Porterville Fairgrounds without street closure.

18. Porterville Air Attack Base Jettison Area
Re: Approving an agreement with the State Dept. of Forestry and Fire Protection to jettison fire retardant prior to landing in a designated area at the Porterville Municipal Airport.

19. Special Assessment Authorization, Compliance Certification and Hold Harmless Statement
Re: Authorizing the City Manager to sign the Tulare County Auditor-Controller Special Assessment Change Authorization Sheet, Compliance Certification and Hold Harmless Statement on behalf of the City in order for the County to collect 2005/2006 assessments.
20. Approval of Annual Transportation Agreement with Tulare County
Re: Approval of Agreement for transit services to County residents within the designated area for Fiscal Year 2005-2006, and for authorization for Mayor to sign said Agreement.

21. Selection of City Voting Delegate to League of California Cities Meeting
Re: Selecting the Mayor as the voting delegate, and Mayor Pro Tem as the voting alternate, to represent the City at the League of California Cities Meeting on October 8, 2005.

22. Hiring Freeze Update
Re: Consideration of authorizing the City Manager to fill current previously frozen vacant positions, and maintain the freeze for future vacancies, and bring back an update on the status of the hiring freeze in the month of November.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARING

23. Annual Landscape and Lighting Maintenance District Assessments
Re: Continuing the maintenance of all Landscape and Lighting Maintenance Districts in the City.

24. Establishment of an Application Fee for Charitable Car Wash Permits
Re: Consideration of a $25.00 non-refundable application fee for processing Charitable Car Wash Permits.

25. Conditional Use Permit 5-2005 (Terry Shuler)
Re: Consideration to allow for the construction of a seven (7) unit apartment complex on a 27,228± square foot vacant lot extending east and west located on the west side of Plano Street, approximately 210± feet south of Kanai Avenue.

26. Zoning Ordinance Amendment 1-2005 - Requiring Masonry Fences next to residential uses
Re: Consideration of a General Zoning Ordinance Amendment to require the construction of a masonry block wall between residential and non-residential uses

27. Zoning Ordinance Amendment 2-2005
Re: Consideration of a Zoning Ordinance Amendment to conditionally allow “indoor building material sales” as an allowable use in the C-2 Zone, Central Commercial District, with a Conditional Use Permit.

28. Vacate Public Temporary Turn Around, Concrete Truck Wash out Area and Storm Drain Pipeline Easements Related to the Development of New Expressions, Phase 4 Subdivision (Ennis Land Development, LLC)
Re: Consideration of vacating temporary easements dedicated for New Expressions, Phase 3 Subdivision, which are no longer necessary for Phase 4, located on Cloverleaf just north of McIntire Avenue.

29. Water Conservation Phase II, Water System Status
Re: Accepting public testimony on remaining in Phase II of the Water Conservation Plan, and continuing the Public Hearing to September 20, 2005.
30. Canyon Springs Estates Tentative Subdivision Map (Contour Development Inc.)
Re: Continuation of this hearing to September 6, 2005.

SCHEDULED MATTERS
31. Amendment to Traffic Resolution No. 10-2001 - Intersection Safety Improvement -
Designation of Olive Avenue and Mathew Street as a 4-Way Stop Intersection
Re: Amending the Traffic Resolution to allow for the placement of four stop signs at Olive
Avenue and Mathew Street.

32. Main Street and Henderson Avenue Median Landscape Renovation
Re: Accepting a proposal from Grass Creations to renovate the Main Street/Henderson Avenue
median utilizing artificial turf.

33. Consideration of a Request for Legislation to Extend the Period for Processing Island
Annexations Beyond January 1, 2007
Re: Consideration of requesting Legislation to extend the period for processing Island
Annexations beyond January 1, 2007 for the seventeen remaining islands in the City.

34. Schedule Study Session - Model Construction and Demolition Recycling Ordinance
Re: Consideration of scheduling September 13, 2005 as a study session date.

35. Schedule Study Session Regarding Golf Course Management Options
Re: Setting a study session to review options for operational management or conversion of the
Municipal Golf Course, and requesting the Parks and Leisure Services Commission to
participate.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION
Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of September 6, 2005

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if
you need special assistance to participate in this meeting, or to be able to access this agenda and
documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7442. Notification
48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure
accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and
documents in the agenda packet.