Call to Order at 6:00 p.m. 
Roll Call: Council Member Martinez (arrived late), Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West 
Absent: Council Member Irish 

ORAL COMMUNICATIONS 
None 

CLOSED SESSION: 
A. Closed Session Pursuant to: 
  2 - Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases. 

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

Pledge of Allegiance Led by Mayor Kelly West 
Invocation - one individual participated. 

PRESENTATIONS 
• Miss Porterville and Court - The Council presented sashes to: 
  • Sarah Peters - Queen/Miss Porterville 
  • Brianne Muirhead - Senior Princess 
  • Robin Vossler - Princess 
  • Mary Dawn Christenson - Princess 
  • Ellen Moore - Princess 
• Business Recognition - Porterville Recorder - 
  • Paul Mauney, Publisher, came forward and accepted the award. 
• City Manager’s Featured Projects for November, 2005 
  • Replace/Upgrade Communications Console 
    Police Chief Rodriguez offered a presentation on the new system. 
  • Community Festival 
    City Manager John Longley noted the success of the Community Festival 
• City of Porterville Emergency Evacuation Plan 
  • Deputy City Manager/Fire Chief Frank Guyton presented the City’s Plan
ORAL COMMUNICATIONS

• Dorothy Broome, 863 South Crystal Street, clarified with staff the purpose of the recently approved communications tower to be located near Clevenger Ford.
• Ray Simons, 44 Taylor Way, voiced concern with traffic safety due to the parking of large commercial vehicles along Olive Avenue.
• Susan Sheldon, 1954 West Orange Avenue, spoke of the dangers posed by parked commercial vehicles along Olive Avenue and requested that the Council address the problem. City Manager John Longley informed everyone of the status of the matter pursuant to the direction given at the October 4, 2005 City Council Meeting.

CONSENT CALENDAR

Item 13 was removed for further discussion.


Recommendation: That the City Council approve the City Council Minutes of September 30, 2005, October 4, 2005 and October 31, 2005.

Documentation: M.O. 01-111505
Disposition: Approved.

2. CLAIM - RONALD CRUZ

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

Documentation: M.O. 02-111505
Disposition: Approved.

3. AWARD CONTRACT - MEDIAN ISLANDS LANDSCAPE MAINTENANCE

Recommendation: That the Council award the contract for landscape maintenance for the City’s median islands to Ray’s Landscape of Sanger, CA, in the amount of $48,672 and authorize monthly payment upon satisfactory performance. Further, that the Council authorize annual contract extensions upon mutually agreeable terms.

Documentation: M.O. 03-111505
Disposition: Approved.

4. AMENDMENT OF DEE JASPAR AND ASSOCIATES WATER WELL DESIGN AND INSPECTION SERVICE AGREEMENT

Recommendation: That the City Council:

1. Authorize the Mayor to execute an Amendment to Dee Jasper & Associates Service Agreement at an agreed fee of $53,329 for the conversion of an agricultural well to a municipal well; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

Documentation: M.O. 04-111505
Disposition: Approved.

5. APPROVAL OF RELOCATION CLAIM PROPERTY LOCATED AT 129 E. DATE - TENANTS MARTIN LAMBARENA AND MIRIAM BLAS

Recommendation: That the City Council:
1. Approve the Relocation Claim; and
2. Authorize staff to make a payment of $9,504 to Martin Lambarena and Miriam Blas, tenants.

Documentation: M.O. 05-111505
Disposition: Approved.

6. APPROVAL OF RELOCATION CLAIM PROPERTY LOCATED AT 387 “B” STREET - TENANTS JOSE C. MOLINA AND SANTOS CARRAZA GONZALES

Recommendation: That the City Council:
1. Approve the Relocation Claim; and
2. Authorize staff to make a payment of $12,150 to Jose C. Molina and Santos Carraza Gonzales, tenants.

Documentation: M.O. 06-111505
Disposition: Approved.

7. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION 462

Recommendation: That the Council adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

Documentation: Resolution 164-2005
Disposition: Approved.

8. PROPOSED INDEMNIFICATION AGREEMENT FOR ALL LOCAL AGENCY FORMATION COMMISSION (LAFCO) PROJECTS

Recommendation: That the City Council:
1. Provide direction to staff;
2. Designate the Mayor to sign the indemnification for submittal to LAFCo in conjunction with all annexation submittals if approved.

Documentation: M.O. 07-111505
Disposition: Approved.
9. APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION TREE LIGHTING CEREMONY - NOVEMBER 25, 2005

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the Application, Agreement, and Exhibit A.

Documentation: M.O. 08-111505
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE, ROTARY CLUB OF PORTERVILLE, AND DOWNTOWN PORTERVILLE ASSOCIATION ANNUAL CHILDREN'S CHRISTMAS PARADE - NOVEMBER 29, 2005

Recommendation: That the City Council:
1. Approve the Community Civic Event application from the Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on November 29, 2005; and
3. Restrict the closure of parking spaces in front of City Hall from 3:30 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

Documentation: M.O. 09-111505
Disposition: Approved.

11. REQUEST FOR STREET CLOSURE - MYERS’ ELEVENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of “E” Street, between Putnam Avenue and Cleveland Avenue, on December 1, 2005, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

Documentation: M.O. 10-111505
Disposition: Approved.

12. AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND UNAVCO, INC. FOR USE OF AIRPORT LAND

Recommendation: That the City Council:
1. Approve the Revocable Permit and Non-Recorded Easement Agreement for a Plate Boundary/UNAVCO, Inc. GPS Monitoring Station for a 15-year period;
2. Authorize the Mayor to sign the agreement; and
3. Authorize the acceptance of all fees in advance and the depositing of those funds in the Airport Fund.

Documentation: M.O. 11-111505
Disposition: Approved.

14. CGI COMMUNICATION, INC. - COMMUNITY VIDEO AND STREET BANNER BRANDING PROGRAM

Recommendation: That the City Council authorize:
1. Staff to proceed with the necessary paperwork and communication with CGI Communications, Inc. to implement this program; and
2. Authorize the Mayor to sign the Agreement with CGI Communications, Inc. setting forth all terms and conditions relating to the Community Video & Street Banner Branding Program.

Documentation: M.O. 12-111505
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council approve Item Nos. 1 through 12, and 14.

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

Disposition: Approved.

13. CONSIDERATION OF ACTIONS REGARDING CITY MANAGER’S OFFICE

Recommendation: That the City Council:
1. Authorize the consolidation of the Fire Chief, Deputy City Manager, Airport Manager at the current Deputy City Manager Range of 244 plus 5% for Airport Manager, effective December 1, 2005;
2. Authorize the Administrative Services Manager to be retained at Range 234;
3. Authorize the City Manager to engage an interim Administrative Services Manager within the total compensation allocation for the position. The cost for services from Public Service Skills will be approximately $500;
4. Authorize the City Manager to retain Peckham and McKenney, Bob Murray & Associates, or Avery & Associates at a fee not to exceed $20,000 to recruit a regular Administrative Services Manager;
5. Authorize the City Manager to retain a regular Administrative Services Manager after the recruitment has been completed;
6. Authorize a reclassification of the Assistant Fire Chief to Chief of Fire Operations at a classification Range of 224; and
7. Authorize the adoption of the draft resolution providing for the reorganization of City Forces as pertains to the proposed recommendations.

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

A discussion ensued during which Mr. Longley indicated that while he had the authority to fill the vacancy caused by Mr. Pyle’s departure, the item had been brought before the Council due to the re-establishment of the Administrative Services Manager classification. In response to questions posed by Mayor Pro Tem Hamilton, Mr. Longley further explained the proposed structure.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council approve staff’s recommendation.

Resolution 165-2005

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

Disposition: Approved.

PUBLIC HEARINGS

15. CONSIDERATION OF COMMUNITY DEVELOPMENT AND ENGINEERING AND BUILDING DIVISION FEES

Recommendation: That the City Council open the Public Hearing and continue it until the December 6, 2005 Council Meeting.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report.

The public hearing opened at 7:49 p.m., and was continued until the meeting of December 6, 2005.

Disposition: Continued to December 6, 2005.

16. BURNS PROPERTY TENTATIVE SUBDIVISION MAP (SMEE BUILDERS)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for the Burns Property Tentative Subdivision Map; and
2. Adopt the draft resolution approving the Burns Property Tentative Subdivision Map.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 7:55 p.m.

- Lisa Dock, Quad Knopf, came forward on behalf of applicant Smee Builders and spoke in favor of approval.
- Brent Hillen, 2241 West Orange Avenue, spoke against the project, particularly Phase II, citing environmental impacts and traffic issues.
- Susan Sheldon, voiced concern with the project, citing concerns with traffic issues.
- Fred Deboer, 2211 West Orange Avenue, voiced concern with the development of low income multi-family housing.

In response to the Mayor’s request, Mr. Dunlap addressed the concerns and questions raised during the public hearing.

The public hearing closed at 8:04 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution approving the Resolution 166-2005 Negative Declaration for the Burns Property Tentative Subdivision Map; and Resolution 167-2005 adopt the draft resolution approving the Burns Property Tentative Subdivision Map.

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

Disposition: Approved.

17. CONDITIONAL USE PERMIT 9-2005 - 90 FOOT HIGH COMMUNICATIONS TOWER (T-MOBILE)

Recommendation: That the City Council adopt the Draft Resolution approving Conditional Use Permit 9-2005, subject to conditions of approval.

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

The public hearing opened at 8:08 p.m.

- Rick DaCruz, of Baran Telecom, came forward on behalf of applicant T-Mobile. He indicated that he was available to answer any questions or concerns about the project.
- Patrick Mauck, 1937 West Nancy, spoke against the proposed tower, citing concerns with the decline in aesthetics of the neighborhood if the tower was allowed in a residential
area. He then inquired why the applicant had not negotiated with the City for placement of the tower on City property.

- Joe Guererro, 332 South F Street, voiced opposition to the proposed tower, questioning why another tower was necessary when two co-location towers had just recently been approved.

The public hearing closed at 8:12 p.m.

Council Member Stadtherr suggested that the Council get back to considering a moratorium until an ordinance could be established.

Mayor Pro Tem Hamilton agreed with Council Member Stadtherr’s comments, and noted that Council Member Irish, prior to leaving for China, had also voiced support for proceeding with a moratorium on residential areas only, and requested that Mayor Pro Tem Hamilton let his opinion be known.

Mayor West voiced agreement with proceeding with a moratorium.

Council Member Stadtherr suggested a suitable location for the proposed tower might be near the Waste Water Treatment Facility. It was stated that the tower would still likely be visible from that location.

COUNCIL ACTION: MOVED By Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the City Council deny Conditional Use Permit 9-2005, and M.O. 13-111505 that staff be directed to bring a moratorium on communication towers in residential areas to the Council for consideration.

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

Disposition: Conditional Use Permit denied, direction provided to staff.

SECOND READINGS
18. ORDINANCE NO. 1674, ZONE CHANGE NO. 8-2005 (ANNEXATION 458)

Recommendation: That the City Council give Second Reading to Ordinance No. 1674, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1674, waive further reading, and adopt said Ordinance, being AN ORDINANCE

Ordinance 1674 OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 08-2005 (PRE-ZONING) TWO
UNINCORPORATED ISLANDS CONSISTING OF 62.8± ACRES AND APPROXIMATELY 193 PARCELS AND 86.2± ACRES AND APPROXIMATELY 289 PARCELS, LOCATED SOUTH OF MORTON AVENUE AND WEST OF PROSPECT STREET, IN THE WESTERLY PORTION OF THE COMMUNITY.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

19. ORDINANCE NO. 1675, ZONE CHANGE NO. 9-2005 (ANNEXATION 459)

Recommendation: That the City Council give Second Reading to Ordinance No. 1675, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the City Council give Second Reading to Ordinance No. 1675, waive further reading, and adopt said Ordinance, being AN ORDINANCE

Ordinance 1675 OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 09-2005 (PRE-ZONING) CONSISTING OF THREE UNINCORPORATED ISLANDS CONSISTING OF: 88.7± ACRES AND APPROXIMATELY 363 PARCELS; 1.2± ACRES AND ONE (1) PARCEL; AND 9.0± ACRES AND APPROXIMATELY 33 PARCELS GENERALLY LOCATED WEST OF MATHEW STREET AND EAST OF WESTWOOD STREET IN THE WESTERLY PORTION OF THE COMMUNITY.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

20. ORDINANCE NO. 1676, ZONE CHANGE NO. 7-2005 (ANNEXATION 457)

Recommendation: That the City Council give Second Reading to Ordinance No. 1676, waive further reading, and adopt said Ordinance.
City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1676, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 07-2005 (PRE-ZONING) CONSISTING OF ONE UNINCORPORATED ISLAND CONSISTING OF 90.8± ACRES AND APPROXIMATELY 119 PARCELS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF STATE ROUTE 65 AND STATE ROUTE 190.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

21. ORDINANCE NO. 1683, ISSUING AN EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK

Recommendation: That the City Council give Second Reading to Ordinance No. 1683, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1683, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ISSUING AN EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK AS A HOBBY/RECREATIONAL USE.

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

Mr. Longley read the Ordinance by title only.
SCHEDULED MATTERS

22. FARM MANAGEMENT AGREEMENT

Recommendation: That the City Council:
1. Direct staff to prepare the modifications to the existing Farm Management Agreement with Mr. Nuckols for the remaining two years; and
2. Authorize the Mayor to sign the revised agreement on behalf of the City.

City Manager John Longley presented the item and called on Deputy City Manager Darrel Pyle to present the first portion of the staff report.

Mr. Pyle presented the findings to date of Mr. Steven Presley, auditor, which included non-farming items expensed to the farming operation, such as those related to the preparation of the farm property to receive effluent, i.e. tree removal and laser leveling. According to Mr. Presley, those items should have been capitalized along with the cost of the land. Mr. Pyle stated that Mr. Presley had also noted that expenses pertaining to the percolation ponds were not related to the farming operation and should have been listed under Waste Water Treatment Plant Operations and excluded from Farming Operations. Mr. Pyle informed the Council that audit should be delivered to the Council the week following Thanksgiving.

Mr. Longley then called on Public Works Director Baldo Rodriguez to present the second portion of the staff report. Mr. Rodriguez delegated the task to Mr. John Baker, Superintendent of the Waste Water Treatment Facility, who came forward and concluded staff’s presentation, which included the following options for the Council:

Option No. 1: Continue with the existing contract for the remaining years left on the contract.
Option No. 2: Contract with the current farm manager with modifications and/or adjustments to the present agreement.
Option No. 3: Prepare and distribute RFPs for a new contract after modifications/adjustments have been made to the present agreement.
Option No. 4: Prepare and distribute RFPs to lease the land under an alternative farm agreement with removed City managerial controls.

Council Member Martinez commented that he did not believe the Council should act on the item until a full Council was available.

Mayor Pro Tem Hamilton voiced displeasure with the item being presented without a complete audit, and with the findings to date, suggesting that because of the City’s inexperience in farming, it should have been more proactive and watchful. As to the recommendation, Mayor Pro Tem Hamilton commented that the proposed modifications were not modifications at all, but rather status quo. A discussion then ensued as to twine and which party was responsible for its purchase. It was stated that although the City paid for twine in the current contract, it was generally considered a part of the baling process. Mayor Pro Tem Hamilton then asserted that the City had very little chance of breaking even.
with the farming operation until at least six or seven years. A discussion ensued as to the Cease and Desist Order and the need for procuring more acreage. At Mr. Longley’s request, Mr. Baker came forward and elaborated on the matter, indicating that an additional 600 acres would provide the opportunity to get into the black with the farming. A discussion ensued as to the budget regarding capital projects versus actual farming operations.

Mayor Pro Tem Hamilton next pointed to the reference of a “disastrous wheat rust outbreak” in 2003/2004, suggesting that his information had shown that the outbreak had actually occurred further north in the Valley. He questioned whether the outbreak could have reduced the crop yields as significantly as was stated in the staff report. Mr. Baker indicated that the outbreak had been regional, primarily affecting the southern portion of the State, and that if he had not personally witnessed the situation, he too might doubt it.

In response to Mayor West’s question, Mr. Baker elaborated on the leveling of the parcels for flood irrigation. A discussion ensued as to the frequency the borders were redone.

Mayor Pro Tem Hamilton commented that he would agree with Council Member Martinez’s request to wait until Council Member Irish returned to take action on the matter.

Mayor West voiced concern with the audit not yet being completed.

Deputy City Manager Darrel Pyle indicated that because of the way in which the farming operation accounting had been set up, the task of auditing it proved to be quite tedious. He indicated that not enough detail had been set up, forcing staff to go back and create records from source documents in order to provide the necessary information for the auditor.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council continue the item until the next regular meeting.

M.O. 14-111505

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

Disposition: Continued to December 6, 2005.

23. CURBSIDE RECYCLE SELECTION COMMITTEE REPORT AND RECOMMENDATION FOR AWARD OF CONTRACT

Recommendation: That the City Council review the report and the proposals, and authorize the City to enter into a contract with Sunset Waste Paper, Inc., pursuant to Request for Proposals dated August 15, 2005.

City Manager John Longley presented the item, and City Attorney/Selection Committee Chairperson Julia Lew presented the staff report.
In response to a question posed by the Council, Ms. Lew explained the criteria considered in making the Committee’s recommendation, which she indicated included a number of things, such as responsiveness to the RFP and price.

Council Member Stadtherr confirmed with Public Works Director Baldo Rodriguez that the process was conducted fairly and properly.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council authorize the City to enter into a contract with M.O. 15-111505 Sunset Waste Paper, Inc., pursuant to the Request for Proposals dated August 15, 2005.

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

Disposition: Approved.

24. CURBSIDE RECYCLING CONTAINER PURCHASE

Recommendation: That the City Council:

1. Authorize a negotiated purchase of 11,000 blue automated recycling collection containers; and
2. Re-affirm its direction to staff to move forward with the Curbside Recycling Collection RFP and modify the approved Recycling Collection RFP to remove purchase of containers.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

In response to a question posed by Council Member Stadtherr, a discussion ensued as to the various sizes of the containers, during which it was stated that larger containers were generally found to encourage more efficient recycling. Staff also indicated that the quality of the proposed containers was comparable with the containers currently used.

Mayor Pro Tem Hamilton voiced concern with utilizing funds from the Equipment Replacement Fund to purchase the containers.

Council Member Stadtherr clarified with staff the intent to eventually shift to smaller black containers. A discussion then ensued as to the budgeted life of the refuse side loaders and the number of vehicles in the fleet, which were stated to be 7 years and a total of 17 vehicles, respectively.

At Council Member Martinez’s request, Mr. Longley addressed the proposed funding from the Equipment Replacement Fund, indicating that the fund was currently over-funded.
Council Member Stadtherr moved that the Council approve staff’s recommendation.

Ms. Lew noted that the Council had already approved again using the Selection Committee for the hauling RFP, yet pointed out that the language included the City auditor as a part of the Committee. She indicated that the auditor would again likely have the same problem, and that direction should be given to modify the composition of the Selection Committee to specify only the City Attorney as heading the Committee. She stated that she would then have the flexibility to retain somebody if necessary.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor West that the City Council authorize a negotiated purchase of 11,000 blue automated recycling collection containers; and re-affirm its direction to staff to move forward with the Curbside Recycling Collection RFP and modify the approved Recycling Collection RFP to remove purchase of containers.

**AYES:** Stadtherr, West

**NOES:** Martinez, Hamilton

**ABSTAIN:** None

**ABSENT:** Irish

Disposition: Denied.

Public Works Director Baldo Rodriguez clarified that the RFP as originally written required the hauler to purchase the containers, and that the vote that evening would not jeopardize the process.

City Attorney Julia Lew requested direction from the Council as to her concerns with the Selection Committee. The Council concurred with Ms. Lew’s recommendation and directed that the language be revised as requested.

The Council recessed at 9:29 p.m. for ten minutes.

**25. CONSIDERATION OF AMENDING THE COMMUNITY CIVIC EVENT ORDINANCE PROCESS TO REQUIRE NOTIFICATION OF ADJOINING PROPERTY OWNERS**

**Recommendation:** That the Council provide direction to staff.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report.

Mayor Pro Tem Hamilton commented that no action should be taken.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council direct staff to take no action and keep the status quo.

**AYES:** Martinez, Hamilton, Stadtherr, West
Recommendation: That the City Council:
1. Receive the Mission Statement of the Parks and Leisure Services Commission; and
2. Direct the preparation of an Ordinance to amend Chapter 19, Article 1 of the Porterville Municipal Code to:
   a. Provide for each elementary and secondary school district, with boundaries within the City corporate limits, to appoint one City resident as an ex-officio member to the Parks & Leisure Services Commission; and
   b. Provide for ex-officio members to serve as alternates to the seats on the Commission.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

A discussion ensued as to the past attendance of the Commissioners, and how the proposed changes would be implemented. It was suggested by staff that allowing the ex-officio members to serve as alternates when necessary to make a quorum might stimulate more school participation.

Mayor Pro Tem Hamilton confirmed with staff that the current School District Ex-Officio Member had attended two meetings in the past two years. He suggested that the Council consider eliminating the Commission’s ex-officio positions all together.

At the Mayor’s invitation, Commissioner Tom O’Sullivan came forward and voiced support for the Council accepting the Commission’s Mission Statement.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council receive the Mission Statement of the Parks and Leisure Services Commission; and direct the preparation of an Ordinance to amend the Porterville Municipal Code to eliminate the ex-officio seats on the Parks & Leisure Services Commission.

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

Council Member Stadtherr requested that the Commission attendance records be modified to
reflect those members present, rather than stating “No Quorum.”

Disposition: Denied, with direction given to staff.

27. UPDATE AND PRIORITIZATION OF CAPITAL IMPROVEMENT AND CERTIFICATES OF PARTICIPATION PROJECTS

Recommendation: That the City Council:
1. Approve Option No. 2;
2. Direct staff to proceed with the projects listed in Option 2, once the refinance of the Certificates of Participation is complete; and
3. Direct staff to reserve the remaining funds from the refinancing of the Certifications of Participation, after completion of the priority projects, for the Jaye Street Corridor.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Options for Council’s consideration included the following:

Option No. 1: Reserve all funds for the Jaye Street Corridor projects. As shown on the table provided in the staff report, the total estimated cost of the Jaye Street Corridor projects is $9,618,475 ($11,992,248 with inflation factor). The $3.2 million from the refinance could cover approximately one third (at current estimate) of the cost for these improvements. However, focusing all the funds to the Jaye Street Corridor projects would eliminate the following programs from the Fiscal Year 2005-2006 Capital Improvement Program:
1. “A” Street Reconstruction
2. Indiana - Putnam to Olive Construction
3. Prospect Street Reconstruction
4. Westwood Street - Henderson past Slough
5. Airport Industrial Development - Storm Drain
6. Olive/Mathew - Signal

Option No. 2: Fund projects in the amount of $610,135 ($731,823 with inflation factor) that were approved in the 2005/2006 Budget and are partially funded from other funding sources and reserve the remaining funds for the Jaye Street Corridor. Projects that could be completed, at the current estimate are:
1. “A” Street Reconstruction
2. Indiana - Putnam to Olive Construction
3. Prospect Street Reconstruction
4. Westwood Street - Henderson past Slough

Option No. 3: Fund projects not related to the Jaye Street Corridor, other than West
Gibbons reconstruction, as listed in the Capital Improvement Strategies Ten Year Plan for 2005/2006 in the amount of $2,007,088 ($2,478,014 with inflation factor) and reserve the remaining funds for the Jaye Street Corridor. Projects that could be completed are:

1. “A” Street Reconstruction
2. Indiana - Putnam to Olive Construction
3. Prospect Street Reconstruction
4. Westwood Street - Henderson past Slough
5. Airport Industrial Development - Storm Drain
6. Olive/Mathew - Signal

A discussion ensued as to improvements that would likely be needed on Jaye Street.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council approve Option No. 2; direct staff to proceed with the projects listed in Option 2, once the refinance of the Certificates of Participation is complete; and direct staff to reserve the remaining funds from the refinancing of the Certifications of Participation, after completion of the priority projects, for the Jaye Street Corridor.

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

Disposition: Option No. 2 approved.

28. CONSIDERATION OF HIRING FREEZE

Recommendation: That the City Council authorize one limited term Building Inspector position to be funded with General Fund salary savings derived from temporary vacancies resulting from the hiring freeze.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council authorize one limited term Building Inspector position to be funded with General Fund salary savings derived from temporary vacancies resulting from the hiring freeze.

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

Disposition: Approved.
29. CONSIDERATION OF CITY FLAG DESIGN CONTEST

Recommendation: That the City Council authorize the formation of the City Flag Contest Committee, consisting of City staff as recommended, and authorize the Committee to formulate a set of general guidelines and provide for the promotion and notification to the public regarding the City Flag Design Contest.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report.

Mr. Longley suggested the timeline of setting the guidelines by December of 2005, and selecting the winning design in or around March of 2006.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council authorize the formation of the City Flag Contest Committee, consisting of City staff as recommended, and authorize the Committee to formulate a set of general guidelines and provide for the promotion and notification to the public regarding the City Flag Design Contest.

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

Disposition: Approved.

30. ORAL REPORT ON THE IMPLEMENTATION OF THE SALES TAX MEASURE

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented an oral report on the implementation of the sales tax.

Mr. Pyle indicated that the City had received congratulatory and informational correspondence from the State Board of Equalization immediately following the election. He indicated that a packet was forthcoming which would provide information on implementation of the tax, along with necessary agreements for signature. He stated that in addition, the City would also be provided with website information so as to provide a direct link on the City’s website to the Board of Equalization to offer merchants easy access to information regarding the tax and its implementation.

The Deputy City Manager then updated the Council on the status of hirings, noting that an eligibility list had been established in the Fire Department.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Pyle indicated that no formal process yet existed for the establishment of the Oversight Committee, yet it would soon be addressed. He then proceeded to briefly review several options. He added that budget development was to commence in January, during which staff would discuss setting up a special fund for the tax revenue.

City Attorney Julia Lew clarified that the establishment the Oversight Committee should
commence sooner than later, but that the City did have some time as the tax would not be effective until April.

Disposition: Informational Report Only.

The City Council adjourned to a meeting of the Porterville Public Financing Authority at 10:09 p.m.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
November 15, 2005

Roll Call: Member Martinez, Vice-Chairman Hamilton, Member Stadtherr, Chairman West
Absent: Member Irish

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-Laws, accept public comment, and approve the 2005 Status Report for the Redevelopment Bond Issue No. 1 projects.

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

Chairman West invited comments from the audience, to which nobody responded.

In response to questions posed by Vice-Chairman Hamilton, a discussion ensued as to the debt service schedule and the outstanding debt on the $6 million issuance, which Deputy City Manager Darrel Pyle estimated to be approximately $4 million. It was stated that a copy of the debt service schedule would be provided to the Council and included in the report in the future.

AGENCY ACTION: MOVED by Member Stadtherr, SECONDED by Vice-Chairman Hamilton that the City Council, sitting as the Porterville Public Financing Authority, M.O. PFA01-111505 approve the 2005 Status Report for the Redevelopment Bond Issue No. 1 projects.

AYES: Martinez, Hamilton, Stadtherr, West
NOES: None
Disposition: Approved.

The Porterville City Council, sitting as the Porterville Public Financing Authority, adjourned at 10:13 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

• Greg Shelton, 888 N. Williford Drive, spoke on Item 22, questioning the legitimacy of figures provided in the staff report, and spoke in favor of issuing a RFP for the Farm Management Agreement.
• Dick Eckhoff, 180 N. Main Street, clarified with staff the projected timeframe for permanent repairs to the Plano Street Bridge.

OTHER MATTERS

• The Council congratulated Deputy City Manager Darrel Pyle on his new position of City Manager of the City of Tulare, and thanked him for his service.
• Mayor Pro Tem Hamilton announced that he will be running for office of Fifth District Supervisor of Tulare County.
• Mayor West thanked everyone for their efforts in promoting Measure H.
• City Manager John Longley acknowledged and thanked Mr. Pyle for his exemplary service to the City of Porterville.

ADJOURNMENT

The Council adjourned at 10:21 p.m. to the meeting of December 6, 2005

Patrice Hildreth, Deputy City Clerk

(SEAL)

Kelly West, Mayor