Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton
Late: Council Member Pedro Martinez (arrived 6:05 p.m.)

ORAL COMMUNICATIONS
None

CLOSED SESSION:

A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale et al. v. City of Porterville et al.

The City Manager read the items by title. He stated for the record that he would dismiss himself from Item A-4.

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

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation: A Moment of Silence

PRESENTATIONS
- Employee of the Month - Carol Bodine

The City Council expressed their appreciation for all the work that Mrs. Bodine did on their behalf.

- City Managers Featured Projects
  1. Recruitment of Charles McMillan, Police Chief
  2. Recruitment of Donnie Moore, Leisure Services Superintendent
3. Library RFID; and
4. New Library Floor Covering

**ORAL COMMUNICATIONS**

- Adam Castillo, 841 Westwood Avenue, Porterville Amateur Youth Softball Association, an all-girl league of ages five to 18, spoke on the deterioration of Hayes Field and its effect on them. He stated that the Parks and Leisure Services Department had not helped them, and he asked the Council to look into repairing the fences and bases. He stated that it was a matter of safety for the girls, who had suffered cuts to broken legs.

  The Mayor asked him to leave his contact information and they would get back to him.

- Richard E. Calderone, 138 South A Street, spoke about the problem in getting a building permit for a mother-in-law dwelling, and the number of plans he had to do. He asked that the Public Works Director be directed to look into this.

  The City Manager stated that Mr. Rodriguez would look into this and respond to Mr. Calderone and the Council.

- Terry Manning, 41576 Yokohl Drive, Springville, Member of the Board of Directors of the Barn Theater, thanked the Council for the work they did on the east side of the Barn Theater this last year. He asked that the west side be done also if possible, and asked that they be notified if that work was to be done so they could adjust their schedule. He then invited the Council and people present to the final showings of *You’re a Good Man Charley Brown*. He also stated that the parking lot needed resurfacing.

- Joan Givens, Murry Street, President of the Board of Directors of the Barn Theater, stated that she hoped the Council would make the back side of the Barn as beautiful as the front side. She stated that it was a park and part of the community.

- Brad Hannigan, 29198 Highway 190, stated that he had an apartment building on Indiana, where the road went through, and the problem was that all the curbs and the whole street were marked no parking. He stated that the tenants had sufficient parking, but any visitors or deliveries had no place to park. He stated that visitors had to park around the corner on Putnam. He stated that there were two other apartment buildings in that area, and off-street parking was a situation for both of them also. Mr. Hannigan stated that parking would only get worse when the vacant field was developed.

  The Mayor asked him to leave his contact information and they would get back to him.

- Dick Eckhoff, 197 North Main Street, spoke on two items. 1) As Chairman for the City of Hope Auxiliary, he reminded everyone that auditions were coming up January 30 for the show on February 24. The City of Hope Show will be in honor of the memory Buck Shaffer; 2) On Item #22 he seconded the nomination of Buck Shaffer to the Wall of Fame. 3) On Item #23, the skatepark statistics, he stated that the citations didn’t add up for juveniles and adults.
Jean Rafaela, retired teacher, came forward and spoke regarding the nomination of Carmen Martinez-Eoff to the Wall of Fame, and her many contributions to our community. She stated that she hoped the Council accepted both names.

Antonia Candelaria, President of the Association of Mexican American Educators, stated that they sponsored Carmen Eoff for the Wall of Fame. She briefly reviewed Ms. Eoff’s accomplishments. She stated that she also had other letters from former students and teachers.

Rosendo Rivero came forward on behalf Carmen Eoff and the Spanish-speaking population. He then spoke in Spanish regarding Ms. Eoff.

Council Member Martinez asked that Mrs. Candelaria submit the letters for Mrs. Eoff to the City Manager. He stated that copies would be made, and the originals could be picked up during the week.

CONSENT CALENDAR

1. CLAIM - ANGELICA RODRIGUEZ

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. 01-011607
Disposition: Approved.

3. ACCEPTANCE OF REMINGTON - ELSAG MPH-900 MOBILE LPR SYSTEM

Recommendation: That City Council authorize the Police Department to accept the Remington - Elsag MPH-900 Mobile LPR System.

Documentation: M.O. 02-011607
Disposition: Approved.

4. ACCEPTANCE OF THE SKATEBOARD PROJECT
   (California Landscape and Design dba California Skateparks)

Recommendation: That 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, provided no stop notices have been filed.

Documentation: M.O. 03-011607
Disposition: Approved.
5. APPROVAL OF AN ENCROACHMENT AGREEMENT AT 12 SOUTH MAIN STREET (SANSOME PACIFIC PROPERTIES, INC.)

Recommendation: That the City Council approve the encroachment agreement for the roof overhang at 12 S. Main Street and authorize the City Engineer to sign the document upon payment of the fee.

Documentation: M.O. 04-011607
Disposition: Approved.

6. ACCEPTANCE OF FINAL SUBDIVISION MAP - SUMMIT ESTATES, PHASE ONE (GARY SMEE)

Recommendation: That City Council:
1. Approve the final map of Summit Estates, Phase One Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 05-011607
Disposition: Approved.

7. PARTNERSHIP WITH SMITH ENTERPRISES TO REPLACE A DETERIORATED SEWER MAIN (NEIL SMITH)

Recommendation: That City Council:
1. Enter into a Payback Agreement with Smith Enterprises for the replacement of a portion of the sewer main serving the commercial center housing the new Longs Drug Store in the amount of $45,066; and
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Require that the Payback Agreement stipulate that Smith Enterprises receive full compensation for the sewer replacement project associated with the construction of the new Longs Drug Store within 60 working days of accepting the work by the City Engineer.

Documentation: M.O. 06-011607
Disposition: Approved.

8. FUNDING FOR WEST STREET INDUSTRIAL PARK DEVELOPMENT

Recommendation: That City Council approve the use of revenues from the leases and sales of the West Street property for costs associated with site development.

Documentation: M.O. 07-011607
Disposition: Approved.
Recommendation: That the City Council direct staff to prepare the approved findings and initiate the process to rezone the property

Documentation: M.O. 08-011607
Disposition: Approved.

11. APPROVAL FOR TRAVEL - SEATTLE, WASHINGTON

Recommendation: That City Council approve travel to Seattle, Washington for the presentation of the City’s Economic Development Administration grant proposal and approve a budget appropriation of $4,000 from unallocated reserves to finance the travel.

Documentation: M.O. 09-011607
Disposition: Approved.

13. SUBMISSION OF QUARTERLY FINANCIAL/BUDGET REPORTS

Recommendation: That City Council approve the recommended change in submittal of the Quarterly Portfolio Summary, Interim Financial Status Report, and Quarterly Budget Review from the second meeting in January, April, July and October of each year to submittal to the Council by the thirtieth day of the month following the end of each quarter, with the report being on the following agenda.

Documentation: M.O. 10-011607
Disposition: Approved.

14. ADOPTION OF RESOLUTION SEEKING A SURFACE WATER MITIGATION RESOLUTION IN THE SAN JOAQUIN RIVER SETTLEMENT TO ADDRESS SURFACE WATER LOSS IN THE CENTRAL VALLEY

Recommendation: That Council adopt the proposed resolution and provide certified copies to the Tulare County Board of Supervisors as requested.

Documentation: Resolution 1-2007
Disposition: Approved.

15. MAYOR HAMILTON AND MAYOR PRO TEM MARTINEZ TRIP TO WASHINGTON D.C. FOR SAN JOAQUIN RIVER SETTLEMENT MEETINGS

Recommendation: Authorize the travel of the Mayor and Mayor Pro Tem to Washington, D.C. with the Friant service area delegation, and authorize the expenditure of City monies to support the trip.

Documentation: M.O. 11-011607
Disposition: Approved.
16. AMENDMENT NO. 1 TO MODIFIED EMPLOYMENT AGREEMENT - CITY MANAGER

Recommendation: The City Attorney and staff make the following recommendations that the Council review and approve Amendment No. 1 to the Modified Employment Agreement.

Documentation: M.O. 12-011607
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that Council approve Items 1, 3 through 8, 10, 11 and 13 through 16. The motion carried unanimously.

2. BUDGET ADJUSTMENTS FOR THE 2006/2007 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 presented.

John Lollis, Acting Deputy City Manager/Administrative Services Manager, presented a brief summary listing for the proposed budget amendments for information purposes. Mr. Lollis also presented an additional budget adjustment for Fund 001-5050-063-020, Y.E.S. Program Expenditures, in the amount of $30,000.00.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that Council approve the proposed budget adjustments, as amended, and authorize staff to modify revenue and expenditure estimates M.O. 13-011607 as described on the schedule presented. The motion carried unanimously.

Disposition: Approved.

9. RESOLUTION OF AMBIGUITY - DEVELOPER’S REQUEST FOR COUNCIL TO CLARIFY AND RECONSIDER STAFF’S INTERPRETATION OF OPEN SPACE REQUIREMENTS FOR PROPOSED APARTMENT COMPLEX CONSISTING OF 30 UNITS AT THE SOUTHWEST CORNER OF WILLOW AVENUE AND E STREET

Recommendation: That the City Council approve the Draft Resolution of Ambiguity

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member McCracken that the Council approve the Draft Resolution of Ambiguity as presented.

Resolution 2-2007 AYES: McCracken, F. Martinez, P. Martinez, Hamilton
NOES: None
12. APPOINTMENT TO LIBRARY BOARD OF TRUSTEES

Recommendation: That the City Council appoint Vikki A. Cervantes to the Porterville Library Board of Trustees to a term expiring in October 2009.

The City Manager presented the item and Jim Perrine, Parks and Leisure Services Director, presented the staff report. Mr. Perrine stated that subsequently to the agenda preparation, another request for appointment was received from Margaret Stinson. He stated that Council had received both applications for the one Library Board opening.

Council Member P. Martinez stated that both applicants were very qualified, but he made a motion to appoint Ms. Cervantes. Councilman Martinez also questioned the Library Board attendance, which Mr. Perrine stated was very good.

Council concurred that Mrs. Stinson’s application be kept on file for the next vacancy, if she was not selected at this time.

COUNCIL ACTION: MOVED by Council Member P. Martinez, SECONDED by Mayor Pro Tem F. Martinez that the Council appoint Vikki A. Cervantes to the Porterville Library Board of Trustees to a term expiring in October, 2009. the motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

17. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION NO. 471

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

Mayor Hamilton clarified that this item was being carried over to the next meeting.

18. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council continue the item to the February 6, 2007 meeting.

Mayor Hamilton confirmed, and Council concurred, that this item would be carried forward to February 6, 2007.

19. REQUEST TO CONTINUE PUBLIC HEARING - “C” STREET VACATION (SANSOME PACIFIC PROPERTIES, INC. - DAVID MCDOWELL)
Recommendation: That City Council upholds the developer's request by postponing the Public Hearing to a date after the proposed development project is reviewed by the Project Review Committee.

Mayor Hamilton confirmed, and Council concurred, that this item would be carried forward to such time as the matter had been reviewed by the Project Review Committee.

SECOND READING
20. ORDINANCE NO. 1710, EXTENDING THE CABLE TV FRANCHISE

Recommendation: That Council give Second Reading to Ordinance No. 1710, waive further reading, and adopt said ordinance.

The City Manager presented the item and read the ordinance by title only.

COUNCIL ACTION: MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member Hernandez that the Council give Second Reading to Ordinance No. 1710, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE EXTENDING Ordinance 1710 ORDINANCE NO. 1544, AS TRANSFERRED BY ORDINANCE NO. 1582, BEING A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE CITY OF PORTERVILLE. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS
21. NEIGHBORHOOD WATCH PROGRAMS

Recommendation: Informational only.

The City Manager presented the item and stated that Police Chief McMillan would give the presentation.

Chief McMillan introduced Valerie Simonich, a citizen volunteer, who gave a presentation on the Neighborhood Watch Program, a crime prevention program used to deter crime. She gave a brief overview of the program, including information from the National Crime Prevention Council and the Bureau of Justice Assistance.

Council inquired whether there were active Neighborhood Watch programs operating in the City, and the Police Chief spoke on the current watches and the status of the past volunteer groups. The Chief also addressed the question of grants and funding for this program and community needs. He stated that the Department was looking at sixty to ninety days to get a community service, or crime prevention, officer on board to aid in starting this program.

Disposition: Informational only.
22. HERITAGE CENTER “WALL OF FAME” NOMINATIONS

Recommendation: That the City Council consider the nominations of Mr. Shaffer and Mrs. Martinez-Eoff for placement on the Heritage Center “Wall of Fame.”

The City Manager presented the item and Jim Perrine, Parks and Leisure Services Director, gave the staff report.

The Council spoke regarding the merits of the two individuals nominated and stated that they hoped many others would follow in their footsteps.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem F. Martinez that Council nominated Mr. Shaffer and Mrs. Martinez-Eoff for placement on the Heritage Center “Wall of Fame.” The motion carried unanimously

Disposition: Approved.

23. EVALUATION OF SKATEBOARD PARK RULES

Recommendation: That the City Council evaluate the Skatepark Rules.

The City Manager presented the item and Parks and Leisure Services Director Jim Perrine gave the staff report.

Council reviewed the rules and recommended the following changes: require wearing shirt and shoes while in the facility; facility to be a “Tobacco Fee Zone”; and no glass containers in the facility.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem F. Martinez that Council make the three modifications to the Skatepark Rules as recommended by Council. The motion carried unanimously.

Disposition: Approved.

24. CONSIDER MASTER PLAN AND DESIGN SERVICES FOR BASEBALL FIELDS PROJECT AT HERITAGE CENTER SITE

Recommendation: That the City Council consider the Master Plan and design services for the baseball field’s project at the Heritage Center site, and;
1. Approve the Master Plan as recommended by the Parks and Leisure Services Commission, and;
2. Approve Addendum No. 1 to the Community Works Design Group Services Agreement, and;
3. Authorize preparation of final construction plans for full site improvements, with provisions for an initial construction phase to partially develop the southerly field.
Jim Perrine, Parks and Leisure Services Director, stated that a report had been prepared but there had been some consideration and discussion about a possible reconsideration by the Parks and Leisure Services Commission. He stated that the liaison for the Parks and Leisure Services Commission on this matter was John Hardin, and he would like to address the Council before they proceeded further. Mr. Perrine stated that Chairman Ruiz was also present.

John Hardin stated that the Heritage ball fields were an important project and would provide badly needed athletic fields. Mr. Hardin presented a brief history and stated that recently some additional issues had arisen, and they felt it was very important that this be done right. He stated that they needed some additional time to work out those issues. He stated that they were asking for a little delay so that they could take this back to the Commission for discussion.

Mayor Hamilton pointed out that the grant on this project was time sensitive, and Mr. Perrine stated that a one or two-month delay would not necessarily be problematic. He stated that the item would be back to the Council in February.

Mr. Hardin stated that this would be expedited as quickly as possible.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem F. Martinez, SECONDED by Council Member Hernandez that Council send this back to the Parks and Leisure Services M.O. 17-011607 Commission for reconsideration. The motion carried unanimously.

Council Member P. Martinez inquired whether the question of a professional baseball team coming to Porterville had ever been discussed. He asked that they possibly look into the future of baseball within Porterville as they look at this facility and the possibility of expansion.

Disposition: Referred back to the Parks and Leisure Services Commission.

25. PUBLIC IMPROVEMENT AGREEMENT –RIVERWALK DEVELOPMENT

Recommendation: That the City Council:

1. Review and approve the "Agreement" and authorize the Mayor to execute the "Agreement";
2. Recognize that the construction costs identified in Exhibit ‘D’ are "Estimates of Probable Cost" and that the City's share and the Developer's share of cost shall be determined by the actual construction costs; and
3. Direct the Public Works Director to bring this matter back before Council with actual construction costs for Council review and consideration.

The Acting Deputy City Manager presented the item and Baldo Rodriguez, Public Works Director, gave the staff report. Mr. Rodriguez noted that on the Site Plan, Exhibit C, the Lowe’s site shown will be changed to Major A. Also change Lowes on Schedule I, Traffic Study, to Major A.

Mayor Hamilton clarified that the City would have some authority on change orders. Mr. Rodriguez stated that they would be looking into that as well.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that Council approve the proposed budget adjustments, as amended, and authorize staff to modify revenue and expenditure estimates as described on the schedule presented. The motion carried unanimously.

Disposition: Approved.

26. APPROVAL FOR FUNDING ASSISTANCE FOR VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM

Recommendation: That City Council approve assisting the VITA program with the acquisition of computers and approve a budget appropriation of $2,500 from unallocated reserves to be donated to the Commision Honorifica Mexicana Americana for this purpose.

The City Manager presented the item and staff report. He stated that this would facilitate the implementation of the program, and it would be a one year grant.

At the City Manager’s request, Mr. Dunlap reported that five volunteers from City staff would be participating in the implementation of the program, half of which were bilingual.

Council Member P. Martinez spoke about the importance of being proactive, and asked that a report be brought to the Council regarding how many people were served and how effective the program had been. The City Manager stated that this could be a condition on the funding.

Council Member P. Martinez clarified with the City Attorney that he had a financial conflict as he contracted with the Commision Honorifica Mexicana Americana.

Council Member McCracken stated that wanted to say, for the record, that they had made a finding that this was a benefit to the community and not a gift of public funds. The City Attorney clarified that when asked if she saw any problem with this request, she reviewed the item and stated that there was a direct community benefit as well indirect public benefit, so there was clearly a public purpose and was not a gift of public funds. She stated that it should be clear that this had been reviewed by the Council who made the determination that there was a direct community benefit, as well indirect public benefit, so there was clearly a public purpose and was not a gift of public funds.

Mayor Hamilton clarified that the Comision had not came to the Council for this, it was the Council’s choice to use them as the vessel for this program. It was also clarified that it was felt the individuals using the program would not ordinarily be going to accountants or other tax filers.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that Council approve assisting the VITA program with the acquisition of computers and approve a budget appropriation of $2,500 from unallocated reserves to be donated to the Commision Honorifica Mexicana Americana for this purpose, with the condition of receiving information back in reference to the numbers.
AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Disposition: Approved.

27. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA

28. UPDATE ON CURBSIDE RECYCLE PROGRAM AND SETTING OF DATE FOR “ONE DAY” REFUSE/GREEN WASTE AND RECYCLED WASTE COLLECTION STUDY SESSION

Recommendation: That the City Council set a date & time for a study session to discuss the merits of providing single day refuse/green waste & curbside recycling “pick-up” service to the City’s residents.

The City Manager presented the item and Baldo Rodriguez, Public Works Director, gave the staff report.

Mayor Hamilton asked if providing single day refuse/green waste & curbside recycling “pick-up” service was feasible.

Mr. Rodriguez stated that staff didn’t think it was a good idea.

Mayor Hamilton stated that no further consideration was needed.

Disposition: No further consideration

ORAL COMMUNICATIONS
• Dick Eckhoff, spoke about need for downtown parking.

• Greg Shelton, 888 N. Williford, assured that Parks and Leisure Services Commission would process Item #24 as rapidly as possible.

• Richard Calderon, 138 South A Street, spoke on two items. 1) On “A” Street and Olive the railroad tracks were removed and a big dip was left. He stated that with the new Santa Fe Elementary School, there were a lot of kids and the dip and hill needed to be eliminated and made straight before someone was killed. 2) He has a Army tanker that was placed at the Veterans Memorial Building by the American Legion as a memorial in his name, and he asked to see if the weight of the tank (60A3) was too much weight for the storm drain and two dips on Main Street. He was denied and told the tank was too heavy to drive in the parade down Main Street because of the dips and the storm drain that runs under the City. He stated that everything else runs down one side or the other, but that is down the middle. He asked the Council to look into these items.

OTHER MATTERS
• Council McCracken stated that he would like to discuss moving the first City Council meeting in November to Tuscany. The other Council disagreed.

• Council Member Martinez thanked Fred and Elva Beltran for the work they did that last weekend with the freeze and the homeless, and those in need that had to go to the armory. He also thanked Denise Marchant and the rest of the City staff, the City of Porterville, the Chamber of Commerce and all the other businesses, Subway Sandwiches, and the other people that donated. He stated that it was a remarkable amount of work accomplished in those few days.

• Fred Beltran spoke on the VITA Program and the donation by the City, and stated that they would be a meeting tomorrow related to the freeze, and how it will affect the residents, at the Comision Building to start to organize. He stated that they would provide the numbers on people using the VITA Program.

• Mayor Pro Tem Martinez spoke on people pulling together, and the teamwork needed to pull through this.

• Council Member Martinez spoke on the Council trip to Sacramento to meet with the Legislators about Porterville’s needs and what we would like to see come through.

• Council Member Hernandez spoke on his first experience in Sacramento.

• Mayor Pro Tem Martinez spoke on downtown parking and stated that the parking lots would get done. He stated that once the City was officially 50,000 businesses would come in and money would be found for parking—he guaranteed.

• Mayor Hamilton stated that he wanted an item on the next agenda to look at the archaic, counterproductive City nepotism law—hopefully to rescind it.

ADJOURNMENT

The Council adjourned at 8:48 p.m. to the meeting of January 19, 2007 at 3:30 p.m.

Georgia Hawley, Chief Deputy city Clerk

SEAL

Cameron Hamilton, Mayor