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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville (Contour Development, Inc.).
   4- Government Code § 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
Deputy City Attorney Richard Bambl stated that no action had taken place.

Council Member McCracken was not present when the Council reconvened Open Session at 7:00 p.m. due to a family emergency. He returned to the dais during the Presentations portion of the Meeting.

Pledge of Allegiance Led By Council Member Pedro Martinez
Invocation – a moment of silence was observed.

PROCLAMATIONS
PAAR Center

PRESENTATIONS
Employee of the Month – Jake Castellow
Introduction of New City Employees
City Manager’s Featured Projects
   • Centennial Plaza Commercial Building Completion
   • Rails to Trails Project
Eagle Mountain Air Show & Fly-In Video
Parks & Leisure Services Commission Semi-Annual Report
   • Commissioner Joe Ruiz presented the report to the Council.
**ORAL COMMUNICATIONS**

- Greg Shelton, 888 North Williford Drive, spoke regarding ethics and made allegations that a Council Member had acted unethically with regard to accepting compensation to broker the sale of a card room license to a party, while at the same time participating in Council actions involving that party. He provided the Council with documents, and requested that the Council immediately investigate the matter, that the City Attorney inform the FPPC and request a ruling, and that all decisions on card rooms be placed on hold pending the outcome of the investigation.

- Martha Alcazar Flores, Chair of the Porterville Chapter of the Tulare/Kings Hispanic Chamber, and Owner of Frugal Fashions, 461 North Main Street, voiced concern with the need for economic development, noting the lack of employment opportunities and local shopping, particularly considering Porterville’s growth. She then offered her assistance through the Hispanic Chamber.

- Dick Eckhoff, business address of 197 North Main Street, spoke in favor of Item 9, noting the importance of keeping the process transparent.

- Rodney Martin, 146 South Villa Street, commented to the Council that he had briefly reviewed the documents circulated in the audience by Mr. Shelton. He suggested that the facts had not been properly investigated by Mr. Shelton prior to him making such fallacious statements.

**CONSENT CALENDAR**

- Item No. 1 was removed for abstention by Council Member Pedro Martinez, and Item No. 8 was removed for further discussion.

2. **BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR**

Recommendation: That the Council approve the proposed budget adjustment, and authorize staff to modify revenue and expenditure estimates as described in the staff report.

Documentation: M.O. 01-112007
Disposition: Approved.

3. **CLAIM – ANNA PETERSON**

Recommendation: After consideration and investigation, staff recommends 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. 02-112007
Disposition: Approved.

4. **ACCEPTANCE OF THE BURIED SLUDGE REMOVAL PROJECT**

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 35 days after recordation,
provided no stop notices have been filed.

5. UPDATE ON JAYE STREET AND TULE RIVER BRIDGE REHABILITATION PROJECT

Recommendation: Informational report only.

Documentation: M.O. 04-112007
Disposition: Approved.

6. AUTHORIZATION TO AMEND TRANSPORTATION PLANNING GROUP’S SERVICE AGREEMENT FOR THE COMPRESSED NATURAL GAS FACILITY AND DESIGN MODIFICATIONS TO RECYCLE CENTER

Recommendation: That the City Council:
1. Direct the Public Works Director to prepare a formal Amendment to Transportation Planning Group’s Consultant Services Agreement that initiates a “CNG Design Service Agreement”;
2. That the CNG Service Agreement Amendment describe the scope of services necessary for the design of a “fast fill and time fill” CNG facility and that said Amendment include design modifications to the existing recycle center to accept a CNG facility;
3. That the CNG Design Agreement Amendment is not to exceed $88,904; and
4. That the Mayor be authorized to sign the CNG Design Services Agreement Amendment.

Documentation: M.O. 05-112007
Disposition: Approved.

7. AIRPORT LEASE RENEWALS – LOTS 49B AND 46C

Recommendation: That the City Council approve the extension of the Lease Agreements between the City of Porterville and Mr. Michael Quatacker of Porterville for Lots 49B and 46C at the Porterville Municipal Airport.

Documentation: M.O. 06-112007
Disposition: Approved.

9. APPROVAL OF ADMINISTRATIVE POLICY REGARDING PREVENTING THE SUPPLANTING OF GENERAL FUND AND MEASURE H FUND MONIES

Recommendation: That the City Council approve and authorize staff to proceed with the implementation of Administrative Policy II-B-1, “Preventing the Supplanting of General Fund and Measure H Fund Monies.”
1. CITY COUNCIL MINUTES OF FEBRUARY 6, 2007

Recommendation: That the City Council approve the City Council Minutes of February 6, 2007.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the City Council Minutes of February 6, 2007.

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

Disposition: Approved.

8. REQUEST FOR STREET CLOSURE – MYERS’ THIRTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the Council approve the closure of “E” Street, between Putnam and Cleveland, on December 6, 2007, from 5:00 p.m. to 9:00 p.m., subject to the conditions specified.

Council Member Pedro Martinez acknowledged Myers’ Funeral Home and thanked them for the annual event. He requested that a letter from the Council be sent to Myers thanking them.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the closure of “E” Street, between Putnam and Cleveland, on December 6, 2007, from 5:00 p.m. to 9:00 p.m., subject to the conditions specified.

Disposition: Approved.

PUBLIC HEARINGS


Recommendation: That the City Council conduct a public hearing to solicit comments on the Public Health Goal Report.

City Manager John Longley presented the item, and called on City Engineer Mike Reed for the staff report. At Mr. Reed’s request, Field Services Manager Bryan Styles presented the report.
The public hearing opened at 7:43 p.m. and closed at 7:44 p.m. when nobody came forward.

Council Member Pedro Martinez confirmed that the City’s water complied with all required standards. He then requested that staff test the water in the pond at Murry Park. He acknowledged that this water did not fall under the auspice of the Public Health Goal Report, but suggested that because children had access to the pond, the water should be tested.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council receive the Public Health Goal Report. M.O. 10-112007 The motion carried unanimously.

Disposition: Approved.

11. VACATION OF PUBLIC SANITARY SEWER AND WATER EASEMENTS RELATED TO THE TARGET STORE EXPANSION (TARGET CORPORATION)

Recommendation: That the City Council:
1. Conduct a public hearing; and
2. Authorize the City Clerk to execute the vacation of said easements.

City Manager Longley presented the item, and City Engineer Mike Reed presented the staff report.

The public hearing opened at 7:46 p.m. and closed at 7:47 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the City Clerk to execute the Resolution 119-2007 vacation of said easements. The motion carried unanimously.

Disposition: Approved.

12. ORDINANCE 1735, REGULATING STATE VIDEO FRANCHISE HOLDERS

Recommendation: That the City Council:
1. Hold the scheduled public hearing and consider any public testimony concerning the proposed regulations; and
2. Adopt and give second reading to the proposed Ordinance, read by title only, and waive further reading.

City Manager Longley presented the item, and Deputy City Attorney Richard Bambl presented the staff report.

The public hearing opened at 7:50 p.m. and closed at 7:51 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the proposed Ordinance No. 1735, give Second Reading, read by title only, and waive further reading of Ordinance 1735, being AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE ADDING CHAPTER 24B-1 THROUGH 24B-10 TO THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE REGULATION OF STATE VIDEO FRANCHISE HOLDERS. The motion carried unanimously.

City Manager Longley read by title only.

Disposition: Approved.

SECOND READINGS

13. ORDINANCE 1728, ADOPTING THE 2007 CALIFORNIA BUILDING CODE

Recommendation: That the City Council give Second Reading to Ordinance 1728, 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 Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council give Second Reading to Ordinance 1728, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF


City Manager Longley read by title only.

Disposition: Approved.

14. ORDINANCE 1729, ADOPTING THE 2007 CALIFORNIA MECHANICAL CODE

Recommendation: That the City Council give Second Reading to Ordinance 1729, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1729, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

Ordinance 1729 PORTERVILLE AMENDING SECTIONS 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried...
unanimously.

City Manager Longley read by title only.

Disposition: Approved.

15. ORDINANCE 1730, ADOPTING THE 2007 CALIFORNIA PLUMBING CODE

Recommendation: That the City Council give Second Reading to Ordinance 1730, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1730, waive further reading, and adopt said ordinance, being AN ORDINANCE OF Ordinance 1730 THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 7-6 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA PLUMBING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried unanimously.

City Manager Longley read by title only.

Disposition: Approved.

16. ORDINANCE 1731, ADOPTING THE 2007 CALIFORNIA ELECTRICAL CODE

Recommendation: That the City Council give Second Reading to Ordinance 1731, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1731, waive further reading, and adopt said ordinance, being AN ORDINANCE OF Ordinance 1731 THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 7-9 AND DELETING SECTION 7-10 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION. The motion carried unanimously.

City Manager Longley read by title only.

Disposition: Approved.
17. ORDINANCE 1732, ADOPTING THE 2007 CALIFORNIA FIRE CODE

Recommendation: That the City Council give Second Reading to Ordinance 1732, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1732, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE THE 2007 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. The motion carried unanimously.

City Manager Longley read by title only.

Disposition: Approved.

18. ORDINANCE 1733, AMENDING SECTION 105, APPENDIX A, CONCERNING THE LEGAL USE OF LAND

Recommendation: That the City Council give Second Reading to Ordinance No. 1733, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1733, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 105 OF ARTICLE I, APPENDIX A (ZONING) OF THE PORTERVILLE MUNICIPAL CODE RELATING TO THE LEGAL USE OF LAND. The motion carried unanimously.

City Manager Longley read the Ordinance by title only.

Disposition: Approved.

19. ORDINANCE 1734, CONCERNING MEDICAL MARIJUANA DISPENSARIES

Recommendation: That the City Council give Second Reading to Ordinance No. 1734, waive further reading, and adopt said Ordinance.
City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1734, waive further reading, and adopt said Ordinance, being AN

Ordinance 1734


City Manager Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

20. CLASSIFICATION AND PAY ADJUSTMENTS FOR THE YOUTH EXPERIENCING SUCCESS AFTER SCHOOL PROGRAM EMPLOYEES

Recommendation: That the City Council:
1. Authorize the creation of the After School Assistant II/III classification and pay rates effective December 1, 2007;
2. Authorize the creation of the After School Site Supervisor classification and pay rate effective December 1, 2007;
3. Authorize the assessment of a 5% administrative charge to PUSD for the direct City expenses effective December 1, 2007 related to the Y.E.S. Program;
4. Direct the Personnel Officer to establish draft position descriptions and salary classifications for Council’s approval; and
5. Direct the preparation of a budget adjustment totaling $42,000 for the two Y.E.S. Programs.

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

- Gary Ingraham, Porterville Unified School District Director of Curriculum, spoke of the program challenges with new state and federal mandates, and of the need for the proposed classifications. He spoke in favor of the proposed classifications.

A brief discussion ensued, during which Mr. Ingraham elaborated on the program.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize the creation of the After School Assistant II/III classification and pay rates effective December 1,
M.O. 11-112007 2007; authorize the creation of the After School Site Supervisor classification and pay rate effective December 1, 2007; authorize the assessment of a 5% administrative charge to PUSD for the direct City expenses effective December 1, 2007 related to the Y.E.S. Program; direct the Personnel Officer to establish draft position descriptions and salary classifications for Council’s approval; and direct the preparation of a budget adjustment totaling $42,000 for the two Y.E.S. Programs. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS

• Greg Shelton, address on record, commented that the allegations he made earlier that evening were based in fact.

OTHER MATTERS

• Council Member McCracken updated the Council on his son’s condition following his surgery.
• Council Member Pedro Martinez:
  1. Spoke of the excellent test scores achieved by Monache High School students, and requested that the Council congratulate them. He inquired whether a video message from the Mayor could be made, to which staff affirmatively responded;
  2. Thanked the organization involved in the Veterans’ Day Parade, and spoke of its success; and
  3. Thanked the Police Department for their hard work during the Halloween holiday.
• Council Member Herndandez:
  1. Congratulated and thanked the Police Department for their successful handling of the recent incident near Granite Hills High School;
  2. Spoke of providing the keynote address at the Leadership Porterville Class of 2007’s graduation, and of the positive impact the program had on its class members;
  3. Spoke of his recent attendance at the Corporate Board of Boys and Girls Club Retreat and of the successful efforts to allow applicants from Porterville the opportunity to sit on the Corporate Board.
• Mayor Pro Tem Felipe Martinez thanked staff, and all those involved, in the recent Fabulous Music Jam. He spoke of the success of the event, noting the group had raised $12,000 towards the purchase of the Buck Shaffer Memorial Clock. He indicated that because of the positive feedback received on the event, a future event would likely be planned.
• Mayor Hamilton:
  1. Spoke of the success of the Fabulous Music Jam Event, and thanked everyone involved, including the Police Department for their hard work; and
  2. Suggested that a letter be sent to another agency regarding its inability to assist the Porterville Police Department during the recent incident near Granite Hills High School.
**ADJOURNMENT**

The Council adjourned at 8:11 p.m. to the meeting of December 4, 2007 at 6:00 p.m.

__________________________________________

Patrice Hildreth
Acting Chief Deputy City Clerk

SEAL

______________________________

Cameron Hamilton, Mayor