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:
   4- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three 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 taken place.

Pledge of Allegiance Led By Council Member Pete V. McCracken
Invocation – a moment of silence was observed.

PROCLAMATIONS
“Make A Difference Together – Faith In Action Event”
“America Recycles Week” – November 11-17, 2007

PRESENTATIONS
Employee of the Month – Jake Castellow (Continued to November 20, 2007)
Introduction of New City Employees

ORAL COMMUNICATIONS
Nicki Edwards, 13096 Road 208, spoke against the City selling the fairgrounds, suggesting its location was desirable and unique.

Jan McKeel, 1350 North Lotas Way, Principal of La Sierra High School, voiced support for the proposed Youth Advisory Commission, and spoke of the benefits to past participants of the Youth Congress.

Patricia Diaz, a Poplar resident, spoke in favor of the proposed Youth Advisory Commission and spoke of her positive experience in participating in the Youth Congress.

Yvette and Adrian Lewis, 1124 West Roby, spoke of a problem with excessive noise emanating from the dance hall “El Reventon” located on Olive Avenue near their home, and requested the Council’s assistance in resolving the problem.

Mary West, 250 N. 3rd Street, Apt. 205, spoke in favor of “In God We Trust” and talked of the importance of God in one’s life; voiced concern with alleged illegal activities and drug abuse occurring at her neighbor’s house; and spoke generally of the ill effects of drugs on society.

Gerry Quinn, voiced concern with a lack of crosswalks near the south side of the Police Department, noting the situation posed a danger to children; suggested that the City place blue recycling containers for attendees’ use at the Veterans’ Day Parade; spoke of problems with traffic signals, such as at Putnam Avenue and D Street, particularly with regard to making left turns; commented that Newcomb Street, from Morton Avenue to Olive Avenue, was too dark, suggesting that it posed danger to drivers; voiced opposition to the City selling the fairgrounds property, suggesting instead that the property could be utilized as a park; and spoke against the banners on Henderson Avenue, suggesting that they made the street appear cluttered.

Dick Eckhoff, business address at 197 North Main Street, noted the typographical error under Oral Communications on Page 3 of the Agenda Face Sheet; spoke favorably of Drug Court, commending Judge Roper and everyone involved in the program; advised the Council that Division Street near Save Mart had been recently cleaned and maintained; and spoke of Item 10, suggesting that purchasing the vehicles locally would be more cost effective, when considering the sales tax revenue received by the City. He spoke in favor of purchasing from a local dealership.

A brief discussion ensued as to sales tax revenue. Mr. Longley clarified that the City would receive the benefit of the sales tax in the event the vehicles were purchased from the Oakland dealership.

Augie Gonzales, 2405 West Whitechapel, Chamber of Commerce Board Chair-Elect, thanked the Council for recognizing the Chamber as the “Business Champion of the Century.”

CONSENT CALENDAR

Items 10, 12, 19, and 20 were removed for further discussion

1. CITY COUNCIL MINUTES OF AUGUST 21, 2007

Recommendation: That the City Council approve the City Council Minutes of August 21, 2007.

Documentation: Minute Order 01-110607
2. CLAIM – MARIO PALOMARES

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. 02-110607
Disposition: Approved

3. BUDGET ADJUSTMENT FOR THE 2007-2008 FISCAL YEAR

Recommendation: That the council approve the proposed budget adjustment, and authorize staff to modify revenue and expenditure estimates as described on the presented schedule.

Documentation: M.O. 03-110607
Disposition: Approved

4. AMENDMENT TO CONTRACT WITH TRG LAND, INC – CONSULTANT FOR THE DEVELOPMENT OF A HILLSIDE DEVELOPMENT ORDINANCE

Recommendation: That the City Council authorize the above mentioned budget adjustment in the amount of $20,000 ($30,000 less previously approved $10,000 on October 16, 2007) to cover the cost overrun for the Hillside Development Ordinance with Case Study.

Documentation: M.O. 04-110607
Disposition: Approved

5. AUTHORIZATION TO REJECT BIDS AND RE-ADVERTISE – INITIAL ATTACK FIRE APPARATUS

Recommendation: That the Council reject the two bids for the Initial Attack Fire Apparatus and authorize Staff to re-write the specifications and re-bid the equipment.

Documentation: M.O. 05-110607
Disposition: Approved

6. AMENDED ACCEPTANCE OF THE RAILS TO TRAILS PARKWAY PROJECT

Recommendation: That City Council:
1. Rescind project acceptance from the October 16, 2007 Council Meeting that indicated a final construction cost of $396,479.87;
2. Accept the project as complete with a final construction cost of $406,879.87; and
3. Authorize the filing of the Notice of Completion.

Documentation: M.O. 06-110607
Disposition: Approved

7. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 268-130-037 – FRED E. LEAVITT AND IRENE M. LEAVITT – WELL #30 PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Fred E. Leavitt and Irene M. Leavitt, Trustees of the Fred and Irene M. Leavitt Revocable Trust, in the amount of $155,157.24 ($225,976 less water impact fees in the amount of $70,818.76 for a total $155,157.24) after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 110-07
Disposition: Approved

8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 260-150-006 – VICTOR GARCIA AND ROSEMARY GARCIA – JAYE STREET WIDENING PROJECT

Recommendation: That City Council:
1. Authorize staff to make payment to Victor Garcia and Rosemary Garcia, husband and wife as joint tenants, owners of property in the amount of $500.00
2. Authorize the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 111-07
Disposition: Approved

9. AWARD OF CONTRACT – WELL NO. 31 (DRILLING PHASE) PROJECT

Recommendation: That City Council:
1. Award the Well No. 31 Project (Drilling Phase) to Zim Industries in the amount of $424,780.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 07-110607
11. AWARD CONTRACT – PROVIDE AND SPREAD GYPSUM

Recommendation: That Council award the annual contract to provide and spread gypsum to Superior Soil Supplements of Hanford, CA, in the initial amount of $17,052, or $58.80 per ton. Further, that Council authorize payment upon satisfactory completion, and authorize staff to exercise annual renewals as necessary.

Documentation: M.O. 08-110607
Disposition: Approved

13. GENERAL PLAN UPDATE TO REQUEST FOR APPROVAL OF ADDITIONAL SERVICES TO UPDATE THE ZONING AND SUBDIVISION ORDINANCES

Recommendation: That the City Council:
1. Authorize the changed scope of services, to be paid for from the above referenced source; and
2. Authorize the Mayor to sign an addendum to the original contract for services with Dyett and Bhatia; and
3. Re-appoint the members of the General Plan Update Advisory Committee to the Zoning and Subdivision Ordinance Update Advisory Committee.

Documentation: M.O. 09-110607
Disposition: Approved

14. MINOR TECHNICAL ADJUSTMENTS TO THE RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; APPROVED BY CONDITIONAL USE PERMIT 4-2006 WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT GENERALLY LOCATED AT THE NORTHWEST CORNER OF JAYE STREET AND STATE ROUTE 190

Recommendation: That the City Council:
1. Ratify the Zoning Administrator’s approval of the updated site design of the eastern portion of the site
2. Authorize the Zoning Administrator to approve additional minor technical adjustments.

Documentation: M.O. 10-110607
Disposition: Approved

15. EL DORADO ESTATES TENTATIVE SUBDIVISION MAP – EXTENSTION OF TIME

Recommendation: That the City Council:
1. Adopt the draft resolution approving a one (1) year extension of time for El Dorado Estates Tentative Subdivision.

Documentation: Resolution 112-07
Disposition: Approved

16. EXTENSION OF DEVELOPMENT OBLIGATIONS – AIRPORT INDUSTRIAL LLC

Recommendation: That the City Council grant a six month extension of time for Airport Industrial, LLC to obtain a building permit.

Documentation: M.O. 11-110607
Disposition: Approved


Recommendation: That 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 27, 2007;
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main St.

Documentation: M.O. 12-110607
Disposition: Approved


Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: M.O. 13-110607
Disposition: Approved

21. STATUS OF HEALTH INSURANCE FUND FOR FISCAL YEAR 2006-2007
Recommendation: That the City Council accept the staff report providing the status of the health insurance fund for the 2006-2007 fiscal year.

Documentation: M.O. 14-110607
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve Items 1-9, 11, 13-18 and 21. The motion carried unanimously.

10. AWARD CONTRACT – SUPER DUTY CAB & CHASSIS TRUCK

Recommendation: That Council award the contract for two (2) new four-wheel drive super duty cab & chassis trucks to Broadway Ford of Oakland, CA, in the amount of $79,355.24. Further, that Council authorize payment upon satisfactory delivery of the equipment.

Council Member Martinez stated that there are benefits to dealing with a local dealership and asked if there were conditions that could warrant purchasing from a local dealership.

City Attorney Julia Lew stated that the City is restricted to accepting the lowest responsible bid, but added that she would research local preference options. She clarified that at this time the lowest bid must be awarded the contract.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council award the contract for two (2) new four-wheel drive super duty cab & chassis trucks to Broadway Ford of Oakland, CA, in the amount of $79,355.24. Further, that Council authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved

12. ACCEPTANCE OF DONATION FROM FRIENDS OF THE LIBRARY

Recommendation: That the City Council accept the donation of new furniture from the Friends of the Porterville Public Library Organization.

Council Member Pedro Martinez thanked the Friends of the Porterville Public Library Organization for the donation.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept the donation of new furniture from the Friends of the Porterville Public Library Organization. The motion carried unanimously.

Recommendation: That the Council approve the Community Civic Event Application and Agreement, including the City’s responsibility for the expense and securing of liability and property damage insurance policies for the event, and authorize a budget adjustment of $9,000 from the Risk Management Fund for such policies.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event Application and Agreement, including the City’s responsibility for the expense and securing of liability and property damage insurance policies for the event, and authorize a budget adjustment of $9,000 from the Risk Management Fund for such policies.

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

Disposition: Approved

20. PROP. 1B TRANSIT FUNDS

Recommendation: That the City Council:
1. Authorize transit staff to complete and file an application for Prop 1B transit funds consisting of capital expenditures for the Bus Maintenance Facility, and any other capital expenditure requests that may be accommodated; and
2. Authorize the Mayor to execute the Resolution, the grant application, if required, and any other related documents that may be necessary.

Council Member Pedro Martinez asked if there was any additional information as a result of a meeting that had taken place earlier in the day.

Linda Clark did confirm that there had been a meeting that morning where it was clarified that the City’s portion would be $434,207.00. She added that she had the opportunity to review the proposed project with the TCEG staff to ensure that it met the necessary criteria for the funding; and reported that they encouraged staff to proceed with the project.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize transit staff to complete and file an application for Prop 1B transit funds consisting of capital expenditures for the Bus Maintenance Facility, and any other capital expenditure requests that may be accommodated; and authorize the Mayor to execute the Resolution, the grant application, if required, and any other related documents that may be necessary.
expenditures for the Bus Maintenance Facility, and any other capital expenditure requests that may be accommodated; and authorize the Mayor to execute the Resolution, the grant application, if required, and any other related documents that may be necessary. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

22. NADAR HOMES – TENTATIVE SUBDIVISION MAP (NADAR DEVELOPMENT)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Mitigated Negative Declaration for Nader Homes Tentative Subdivision Map; and
2. Adopt the draft resolution approving Nader Homes Tentative Subdivision Map.

City Manager Longley presented the item and Associate Planner Jose Ortiz presented the staff report.

The public hearing was opened at 7:46 p.m.

- Jim Winton, business address, 150 W. Morton Ave., spoke in favor of the project.

The hearing was closed to the public at 7:48 p.m.

Mayor Pro Tem Felipe Martinez asked staff for an update on the two issues of mitigation at Highway 65 and Tule River. Community Development Director Brad Dunlap replied that they are required to be mitigated and that those measures have been incorporated in the environmental document.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving the Mitigated Negative Declaration for Nader Homes Tentative Subdivision Map; and adopt the draft resolution approving Nader Homes Tentative Subdivision Map. The motion carried unanimously.

Disposition: Approved

23. CONDITIONAL USE PERMIT 11-2007 – PERMIT DEVELOPMENT OF A 20-UNIT APARTMENT COMPLEX WITH “AFFORDABLE UNITS” LOCATED AT 1101 W. PUTNAM AVENUE.

Recommendation: That the City Council:
1. Adopt the Draft Resolution approving Conditional Use Permit 11-2007, subject to conditions of approval.
City Manager Longley presented the item and Associate Planner Jose Ortiz presented the staff report.

City Attorney Julia Lew requested that the Community Development Director determine whether or not the Mayor was within 600 feet of the apartment complex. It was reviewed and determined that he was over 1,000 feet away.

The public hearing was opened at 7:57 p.m.

- Elise Hopper, came forward to speak on behalf of the applicant. She assured Council that the intent of the applicant is to offer quality housing and addressed the lighting issue; stating that they do plan on placing adequate lighting on the buildings in addition to the carports.

The hearing was closed to the public at 8:01 p.m.

Mayor Pro Tem Felipe Martinez asked the applicant to consider placement of bike racks.

Council Member Pedro Martinez requested that the addition of bike racks be a condition of approval.

Mayor Pro Tem Felipe Martinez asked if the “common area” consisted of both paved and green area. He added that he is pleased with the project and glad to see that the lighting concerns were going to be addressed. He inquired about the type of exterior walls that will be used for the project.

Mr. Dunlap stated that there were no code requirements for a stipulated type of wall. The developer announced that he planned on using wood fencing for the complex.

Council Member Pedro Martinez asked about the types of planters that would be used, in regards to skateboarders; and if the complex was accessible to handicapped individuals. The developer stated that he had not considered the issue of skateboarders in his consideration of the type of planters used for the project and added that all ground-level units are handicap accessible.

City Attorney Julia Lew clarified that the motion for adopting the Draft Resolution includes authorization to execute the Regulatory Agreement.

**COUNCIL ACTION:**

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the Draft Resolution approving Conditional Use Permit 11-2007, subject to conditions of approval as amended to add condition regarding lighting; to require a bicycle rack, to require rolled curbs around the landscape planters; and to authorize Mayor to sign Regulatory Agreement. The motion carried unanimously.

Disposition: Approved, as amended.
24. ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

Recommendation: That City Council:
1. Conduct a Public Hearing to receive input regarding the adoption of the 2007 Editions of the California Building, Plumbing, Mechanical, Electrical, and Fire Codes; and
2. Adopt the draft Ordinances, give First Readings and order the Ordinances to print.

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

The City Attorney requested a revision to the last sentence in Section 7-3.4 to reference the penalty provisions set forth in Chapter 2, Article 14 of the Porterville Municipal Code.

The hearing was opened to the public at 8:10 p.m. and closed to the public at 8:11 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Building Code draft ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 7-1, 7-2, AND 7-3.4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE ALONG WITH DESIGNATED APPENDICES AND THE 2007 EDITION OF THE CALIFORNIA ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., as amended, with revision to last sentence in Section 7-3.4 – Penalty for Violation. - to read, “... and upon conviction of any such violation, such] person shall be punished as set forth in Chapter 2, Article 14 of the Porterville Municipal Code.” The motion carried unanimously.

The City Manager read the ordinances by title only.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Mechanical Code draft ordinance, give first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 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.
The City Manager read the ordinances by title only.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Plumbing Code draft ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 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.

The City Manager read the ordinances by title only.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Electrical Code draft ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 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.

The City Manager read the ordinances by title only.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adopt the 2007 Fire Code draft ordinance, give first reading and order the ordinance to print, 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.

The City Manager read the ordinances by title only.

Disposition: Approved
25. REGULATIONS PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES AND SETTING FORTH REGULATIONS IN THE EVENT FEDERAL LAW CHANGES TO PERMIT THE OPERATIONS.

Recommendation: That the City Council:
1. Hold the public hearing concerning the proposed Ordinances and consider public testimony;
2. Approve and give first reading to Ordinance No. 1733, 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; and
3. Approve and give first reading to Ordinance No. 1734, an Ordinance of the City Council of the City of Porterville Amending Article I, Section 15-5.1 of the Porterville Municipal Code, Concerning Refusal to Issue Licenses, and Adding Article VII, Sections 15-85 through 15-105, to Chapter 15 of the Porterville Municipal Code, Concerning Medical Marijuana Dispensaries and Other Operations.

The City Manager presented the item and City Attorney Julia Lew presented the staff report.

The hearing was opened to the public at 8:18 p.m.

- Dennis Townsend, business address, 633 N. Westwood, spoke in favor of the proposed ordinances and taking pre-emptive action.

The hearing was closed to the public at 8:20 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve and give first reading to Ordinance No. 1733, 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.

The City Manager read by title only.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve and give first reading to Ordinance No. 1734, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I, SECTION 15-5.1 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING REFUSAL TO ISSUE LICENSES, AND ADDING ARTICLE VII, SECTIONS 15-85 THROUGH 15-105, TO CHAPTER 15 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING MEDICAL MARIJUANA
DISPENSARIES AND OTHER OPERATIONS. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved

26. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROPOSING AN AMENDMENT TO THE FREEHOLDERS CHARTER OF THE CITY OF PORTERVILLE, DECLARING AN OFFICIAL CITY MOTTO

Recommendation: That the City Council:
1. Hold the public hearing concerning the proposed Charter Amendment and consider public testimony; and
2. Consider approval of the Resolution

The item was introduced by the City Manager who also presented the staff report.

The public hearing was opened at 8:25 p.m.

- Dennis Townsend, 633 N. Westwood, stated that he was very pleased with Council for proposing the amendment.

- Dick Eckhoff, address on record, inquired as to whether legal issues might arise if Council moved in that direction.

- Greg Woodard, business address, 1055 W. Morton, spoke about the branding process; inquired as to whether the City currently had an official motto; if the new motto would replace “The Good Life”; what the action entails as far as physical changes to signs, etc.

City Manager Longley responded by stating that the proposed motto does currently exist on the City’s flag and over the seal; adding that he would assume slogans such as “The Good Life” would continue.

The public hearing was closed at 8:29 p.m.

Council Member Pedro Martinez stated that the official motto would not interfere with slogans, advertising and themes set forth for the City in the future.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the resolution proposing an amendment to the Freeholders Charter of the City of Porterville, declaring an official city motto of “In God We Trust”. The motion carried unanimously.

Disposition: Approved
SECOND READINGS

27. ORDINANCE 1726, ANIMAL CONTROL REGULATIONS

Recommendation: That the Council give Second Reading to Ordinance No. 1726, waive further reading, and adopt said Ordinance.

The City Manager introduced the item and presented 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 1726, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 5, SECTIONS 5-1 THROUGH 5-4.6, AND REPLACING IT WITH CHAPTER 5, SECTIONS 5-1.0 THROUGH 5-5.1, OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved

28. ORDINANCE 1727, APPROVING ZONE CHANGE 4-2007

Recommendation: That the Council give Second Reading to Ordinance No. 1727, waive further reading, and adopt said Ordinance.

The City Manager introduced the item and presented 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 1727, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL FACTS HAVE OCCURRED FOR ZONE CHANGE 4-2007 ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF OLIVE AVENUE AND “C” STREET. The motion carried unanimously.

The City Manager read by title only.

Disposition: Approved

The Council recessed for 10 minutes.

SCHEDULED MATTERS
29. YOUTH ADVISORY COMMISSION IMPLEMENTATION

Recommendation: That the City Council consider this report, along with the information to be presented at the City council meeting relative to the meeting with school administrators on this matter, and provide direction to staff.

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

Council Member Hernandez spoke in favor of the item and of the need of a forum for youth to voice their concerns and opinions. He also spoke of the meeting with school administrators that he attended and requested that Council consider the commitment that a new commission would require.

Mayor Pro Tem Felipe Martinez suggested direction to staff to meet with school councils to inquire if there is an interest.

Council Member McCracken stated that he took some time to research other cities that have implemented a youth council. In each case the cities had a youth center that was run by the city. He added that in most cases, the youth councils’ meetings were about running the youth centers. He asked Council to consider the purpose and goals of implementing the Youth Advisory Commission; and whether it be a recreational opportunity or involving them in the government.

Council Member Pedro Martinez suggested that the City Council invite student councils from the local high schools to discuss the Youth Commission and possible alternatives.

COUNCIL ACTION: Moved by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council schedule a City Council Meeting in January 2008, and invite local Student Councils to discuss options for Youth Commission.

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

Disposition: Approved

30. AUTHORIZATION TO REORGANIZE THE ENGINEERING AND BUILDING DIVISION – PUBLIC WORKS DEPARTMENT

Recommendation: That City Council approve in concept the following:
1. Authorize the consolidation of the Deputy Public Works Director with the City Engineer’s position;
2. Approve the reorganization by promoting the City Engineer to Deputy Public Works Director/City Engineer;
3. Authorize the creation of two new positions titles Assistant City Engineer and Construction/Project Manager;
4. Direct that the reorganization become effective upon the successful recruitment and retention of the Assistant City Engineer; and
5. Authorize the appropriation of funds from the Park Ranger Program in the amount of $77,700 for the 07/08 fiscal year and $80,000 for each subsequent fiscal year to the Engineering and Building Division.
6. Direct the Personnel Officer to establish draft position descriptions and salary classifications for Council’s approval within budget parameters.

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

Mayor Pro Tem Felipe Martinez asked the City Manager what the advantages were to accepting staff’s recommendation.

City Manager Longley responded that the benefit was to be more effective in moving multiple projects along; as well as the ability to provide assured engineering design and inspection services for Parks & Leisure projects.

COUNCIL ACTION:
M.O. 19-110607

MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize the consolidation of the Deputy Public Works Director with the City Engineer’s position; approve the reorganization by promoting the City Engineer to Deputy Public Works Director/City Engineer; authorize the creating of two new positions titles Assistant City Engineer and Construction/Project Manager; Direct that the reorganization become effective upon the successful recruitment and retention of the Assistant City Engineer; and authorize the appropriation of funds from the Park Ranger Program in the amount of $77,700 for the 07/08 fiscal year and $80,000 for each subsequent fiscal year to the Engineering and Building Division; and direct the Personnel Officer to establish draft position descriptions and salary classifications for Council’s approval within budget parameters. The motion carried unanimously.

Disposition: Approved

31. INTENT TO ABANDON A PORTION OF POPLAR AVENUE

Recommendation: That City Council:
1. Pass a resolution of intent to vacate a portion of Poplar Avenue between Jaye Street and the southerly extension of Kessing Street; and
2. Set the Council meeting of December 4, 2007, as the time and place for a public hearing.

City Manager Longley noted a conflict of interest and left the chambers. In his absence, Deputy City Manager John Lollis introduced this item. Public Works Director Rodriguez presented the staff report.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council pass a resolution of intent to vacate a portion of Poplar Avenue between Jaye Street and the southerly extension of Kessing Street; and set the Council meeting of December 4, 2007, as the time and place for a public hearing. The motion carried unanimously.

Disposition: Approved

32. ORDINANCE REGULATING STATE VIDEO FRANCHISE HOLDERS

Recommendation: That the City Council:
1. Approve and give first reading to the attached proposed Ordinance.
2. Authorize that a public hearing be set for the November 20, 2007 City Council Meeting, for consideration of any public testimony prior to adoption and second reading of the Ordinance.

The City Manager introduced the item, and the City Attorney presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve and give first reading to the attached proposed Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING CHAPTER 24B, ARTICLE I, SECTIONS 24B-1 THROUGH 24B-10 TO THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE REGULATION OF STATE VIDEO FRANCHISE HOLDERS. as amended to replace Section 24B-2; and authorize that a public hearing be set for the November 20, 2007 City Council Meeting, for consideration of any public testimony prior to adoption and second reading of the Ordinance. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved, as amended

33. CITY COUNCIL PRIORITY PROJECT REVIEW

Recommendation: Review the status of current and proposed Council-defined priority projects by scheduling a City Council study session on Saturday, December 8, 2007.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the Council review the status of current and proposed Council-defined priority projects by scheduling a City Council study session on Saturday, December 8, 2007. The motion carried unanimously.
34. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the interim financial status reports and grants summary report as presented.

Chief Financial Officer Maria Bemis presented the staff report for both Items 34 and 35.

35. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council accept the interim financial status reports and Grants Summary Report as presented (Item 34); and accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866 (Item 35). The motion carried unanimously.

Disposition: Approved

The Council adjourned at 9:31 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 6, 2007

Roll Call: Agency Members Pete McCracken, Pedro Martinez, Felipe Martinez, Eduardo Hernandez and Agency Chair Cameron Hamilton.

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

REDEVELOPMENT SCHEDULED MATTER
PRA-1. APPROVE CERTIFICATION OF COMPLETION MAIN STREET – ENNIS COMMERCIAL PROPERTIES, LLC

Recommendation: That the Porterville Redevelopment Agency:
1. Authorize the execution of the Certificate of Completion for the construction and development as required by the Development and Disposition Agreement executed between Ennis Commercial Properties, LLC and the Porterville Redevelopment Agency; and
2. Approve the subordination of the Ennis Commercial Properties, LLC Promissory Note from construction financing to permanent financing; and
3. Authorize the Chairman to sign all necessary documents.

Agency Member McCracken noted a conflict of interest and exited the Chambers.

The Executive Director of the Redevelopment Agency Brad Dunlap introduced Development Associate Linda Wammack, who presented the staff report.

**AGENCY ACTION:**

MOVED by Agency Member Felipe Martinez, SECONDED by Agency Member Pedro Martinez that the Agency authorize the execution of the Certificate of Completion for the construction and development as required by the Development and Disposition Agreement executed between Ennis Commercial Properties, LLC and the Porterville Redevelopment Agency; approve the subordination of the Ennis Commercial Properties, LLC Promissory Note from construction financing to permanent financing; and authorize the Chairman to sign all necessary documents. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency adjourned at 9:35 p.m. to a meeting of the Porterville Public Financing Authority.

**PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA**

November 6, 2007

Roll Call: Public Financing Authority Directors Pete McCracken, Pedro Martinez, Cameron Hamilton, Felipe Martinez, Eduardo Hernandez.

**WRITTEN COMMUNICATION**

**ORAL COMMUNICATIONS**
None

**PUBLIC FINANCING 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 2007 Status Report for the Redevelopment Bond Issue #1 Projects.
Development Associate Linda Wammack presented the staff report.

**AUTHORITY ACTION:** MOVED by Director Felipe Martinez, SECONDED by Director Pedro Martinez that the Authority approve the 2007 Status Report for the Redevelopment Bond Issue #1 Projects. The motion carried unanimously.

Disposition: Approved

The Public Financing Authority adjourned at 9:37 p.m. to a meeting of the Porterville City Council.

**SCHEDULED MATTER**

36. ACCEPTANCE OF FINAL PARCEL MAP – CENTENNIAL PLAZA (BEN ENNIS)

Recommendation: That City Council:
1. Approve the Final Parcel Map for Centennial Plaza; and
2. Authorize the City Clerk to file said map with the County Recorder.

Director McCracken noted a conflict of interest and exited the Chambers.

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

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the Final Parcel Map for Centennial Plaza; and authorize the City Clerk to file said map with the County Recorder.

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

Disposition: Approved

**ORAL COMMUNICATIONS**

Dick Eckhoff, address on record, spoke of the importance of ensuring a wide-range of youth were allowed or encouraged to participate on the proposed Youth Advisory Commission, rather than only a select few.

**OTHER MATTERS**
· Council Member Pedro Martinez evinced an interest in honoring local service men and women via certificates from the Council, and requested that staff contact the National Guard to inquire about same.

· Council Member Hernandez spoke favorably of the affordable housing project on E Street, suggesting that it had inspired greater neighborhood pride; and congratulated the Chamber of Commerce for its successful event and award.

· Mayor Pro Tem Felipe Martinez requested that a condolence letter be drafted for the Council’s signature to the mother whose child was recently killed in the traffic accident on Interstate 5; and invited all to attend the Fabulous Music Jam on Saturday, November 10th.

**ADJOURNMENT**

The Council adjourned at 9:44 p.m. to the meeting of November 20, 2007 at 6:00 p.m.

_________________________________________________________________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
By: Luisa Herrera

SEAL

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Cameron Hamilton, Mayor