Call to Order
Roll Call

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

**CLOSED SESSION:**
A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION

**REPORT ON ANY ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation

**PRESENTATIONS**
   - Introduction of New City Employees
   - City Manager’s Featured Projects
   - Edison’s State of the Utility System

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

**CONSENT CALENDAR**
All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. **Approval of City Council Minutes of June 8, 2007 and August 7, 2007**
2. **Claim – Gustavo Gomez**
   Re: Considering rejection of a claim in an amount of $25,000 for alleged damages incurred when a Porterville Police Officer detained and arrested claimant’s wife on July 4, 2007 at 361 N. Larson St.
3. **Approval of Architectural Elevations for Riverwalk Marketplace**
   Re: Considering approval of architectural elevations, colors and materials for “El Pollo Loco”, to be located in the Riverwalk Marketplace at Jaye Street and Highway 190.
4. **Authorization to Apply for Permanent Access from State Route 190 at the VELB Mitigation Site**
   Re: Granting authorization to apply for an access easement to the City’s Valley Elderberry Longhorn Beetle Mitigation Site (Headgate Property) located on the east edge of Porterville, north of State Route 190.
5. Authorization to Distribute Request for Proposals (RFP) For On-Call Environmental Services
   Re: Authorizing staff to distribute the RFP for On-Call Environmental Services for the preparation of
   environmental documents and studies.

6. Approval of Resolution Defining Landing Fee for Cal Fire
   Re: Considering approval of a resolution defining a landing fee of $60.00 at the Porterville Municipal
   Airport for air tanker aircraft owned or contracted by the California Department of Forestry and Fire
   Protection.

7. Community Clean Up Events
   Re: Considering April 26, 2008 as “Spring Clean Up Day” and October 25, 2008 as “Fall Clean Up
   Day”, and authorizing the free disposal of refuse for City residential refuse customers at the City
   sponsored events.

8. Retirement of Police Service Dog “Falco”
   Re: Considering the approval of the sale of retired police service dog “Falco” to Officer Richard
   Standridge for $1.00.

    Dinner Drive Thru
   Re: Considering approval of event to be held at the Centennial Plaza on Friday, April 5, 2008 from 8:00
   a.m. to 5:00 p.m., subject to the stated restrictions.

10. Approval of Street Closure for ‘Music on Main Street’ Events
    Re: Consider authorization to prohibit parking along Cleveland Avenue from Main Street east to Second
    Street, and along the alley from Thurman to Cleveland; and to close the same portions to vehicular traffic
    from the hours of 5:15 p.m. to 8:30 p.m. each Friday from April 4-June 27, 2008.

11. Resolution Unanimously Approving the Porterville 2030 General Plan
    Re: Considering approval of a resolution unanimously approving the Porterville 2030 General Plan.

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

SECOND READINGS
12. Ordinance 1737, Claims Against the City
    Re: Giving Second Reading to Ordinance 1737, Amending Section 1-19 of Chapter 1 of the Porterville
    Municipal Code Regarding Claims Against the City.

SCHEDULED MATTERS
13. Heritage Community Center Cost Share Settlement
    Re: Considering approval of the cost-share settlement and reimbursement of $176,428 to Porterville
    Unified School District for costs incurred as part of the Porterville Heritage Community Center/Santa
    Fe Elementary School Project.

14. Re-Visiting City’s Sewer Connection Policy
    Re: Considering options with regard to the City’s current sewer connection policy.

15. CIEDB Water Loan – Projects to be Funded
    Re: Reviewing and affirming the projects identified by staff as priorities for CIEDB funding.

16. Approval of Financial Support for the Council of Cities in the Retention of Legal Services in
    Connection with the County of Tulare’s General Plan
Re: Approving expenditure of $4,516.04 representing the City’s share in costs associated with the Council of Cities’ retention of legal services in connection with Tulare County’s General Plan.

Adjourn to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
March 18, 2008

Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS

SCHEDULED MATTER
PRA-1. Authorization to Utilize City’s Agreement for “On-Call Services” for Financial Feasibility and Analysis Services
Re: Consider authorization for the Redevelopment Agency to utilize the City’s “On-Call Services” Agreement for Redevelopment Projects.

Adjourn the Redevelopment Agency meeting to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS

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

ADJOURNMENT - to the meeting of March 22, 2008 at 9:00 a.m. at the Porterville Fairgrounds, 300 East Olive Avenue, Porterville, California.*

*Porterville City Charter Sec. 10 states, “Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within the community where no action is to be taken, all meetings of the council shall be held in the city hall, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the city hall cannot be used for that purpose, and all meetings shall be open to the public.”

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Chief Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
Roll Call: Mayor Hamilton, Mayor Pro Tem Felipe Martinez, Council Member Pedro Martinez
Absent: Council Member McCracken, Council Member Hernandez

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

1. AUTHORIZATION TO ADVERTISE FOR BIDS – WEST STREET INDUSTRIAL PARK PROJECT

City Manager Longley presented the item and Public Works Director Baldo Rodriguez presented the staff report. He stated that the project was a brand new 2,000 foot cul-de-sac called Edison Court. He indicated that the cost of the project would be 2.2 million dollars, 52% of which would be paid for by the City. He asked the Council to authorize staff to advertise for construction bids, approve the plans in the project manual, and have the Mayor sign the Storm Water Pollution Prevention Plan (“SWPPP”) for dust control.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by M.O. 01-060807 Mayor Pro Tem Felipe Martinez that the Council authorize staff to advertise for construction bid; approve the plans in the project manual, and have the Mayor sign the SWPPP for dust control.

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

Disposition: Approved

2. STUDY SESSION – CAPITAL IMPROVEMENT PLAN

City Manager Longley stated that the purpose of the meeting was to review the Capital Program; receive a presentation from Public Works Director Baldo Rodriguez regarding street projects; and to review the Capital Program with Susan Duke, Project Manager and the Administrator of the Capital Budget.
Mr. Rodriguez provided the Council with a chart that contained the 10-year Capital Projects. The street projects were broken down into four components: street reconstruction projects overlay projects, micro-overlay projects, and pot-hole repair. He explained the concept of lane lineal feet, a conversion method used for street projects. He stated that there are 32,000 lane lineal feet anticipated for street reconstruction projects; a little over 20,000 lane lineal feet of overlay; 26,400 lane lineal feet of micro-overlay; and 2,700 square feet of pot-hole repair. He added that every quarter, he would provide the City Manager with an update on the progress made in these areas.

Mr. Longley added that the purpose was to discuss service levels and review the output measures.

Mr. Rodriguez clarified that one new street, Edison Court, was included in the numbers, but that the rest of the streets were existing streets.

Mayor Pro Tem Felipe Martinez asked if Measure R funds were included in the information provided. Mr. Rodriguez stated that the funds were included, but segregated as to when projects were being completed so that it could be reported to TCAG accordingly. Mr. Rodriguez then specified to Council and staff which streets would be undergoing reconstruction and explained that “G” Street would be taken care of during the 08/09 year due to the cost of the project. He continued by going over the overlay projects, which consisted primarily of South Indiana Street, Center Street and a portion of Date. A conversation then ensued regarding the current conditions of Indiana Street and the treatments necessary.

Council Member Pedro Martinez asked why Indiana Street was not listed in the plan twice, again in seven years if that was how long the life expectancy of the street would be. Community Development Director Brad Dunlap explained that the reason it was not listed twice was because there was not enough money available to cover every street in need of repair. For this reason, he stated, there were factors that were taken into consideration such as: traffic generation, state of deterioration and new development. He stated these would dictate where staff recommended putting the money.

Mr. Rodriguez explained that if a street was reconstructed the underground utilities would be put in at the same time. He also discussed slurry seals and addressed Mayor Hamilton’s concerns regarding the life expectancy of future reconstruction projects. He added that curb, gutter, and sidewalk along the east and west sides of Indiana from Morton Avenue to Olive Avenue would be completed this year, however, the south end of Indiana would be addressed in the next cycle.

Mayor Hamilton inquired about the absence of street reconstruction south of Highway 190 in the plan. Mr. Rodriguez confirmed that Gibbons reconstruction was not in the current plan. He then provided a brief explanation of what was anticipated to occur south of Highway 190. Mr. Dunlap added that the project would alleviate congestion at Jaye and Highway 190.

Public Works Director Rodriguez concluded his presentation by briefly stating what project would be tackled in the near future, and how the Measure R monies would be used. He then mentioned that the Edison Court project involved the movement of 70 plus acres of dirt, and as a result they had been made aware of a new law which required a permit from the Air Board. Mike
Reed added that the use of micro overlay had been proven to increase the life of streets in other cities.

Susan Duke came forward to review the Capital Program with Council. She went through the program and provided a brief explanation of the information listed which included COPs and COPs Refinance, Equipment Replacement, Local Transportation Funds and Special Gas Tax. A conversation ensued regarding the transferring of monies that remain from the Bike Plan to the Transit System. Mrs. Duke continued by going over the Transportation Impact Fund, the Anticipation of Transportation Impact Fees for Riverwalk, Measure H Expenditures and the Unfunded, which resulted in a discussion about the Porterville Hotel and strategies for locating funds. The Storm Drain, Developer Fees and Reserve Accounts; Enterprise Funds, Highway Bridge Removal Rehabilitation, CDBG Funds, Section 108 Funds, Risk Management, Measure R Local and Regional, and Olive and Matthew Traffic Signal were also mentioned. The Hazardous Waste Clean-Up was discussed briefly and Mr. Rodriguez provided some detail in regards to the containment process, restrictions on the use of the containment area and the costs associated with the clean-up.

At the request of the City Manager, Susan Duke went over the miscellaneous projects briefly. Those projects included the Hybrid vehicles, CNG Facility and shop upgrades. A brief discussion ensued regarding the types of upgrades needed for the shop.

The City Manager stated that as a result of the Council deeming streets as a priority, staff had come up with performance measures, relative to the actual projects; and indicated that staff would be bringing the performance measures to Council for review on a quarterly basis. A funding summary was also provided for the nearly 46 million dollars in capital projects.

Council Member Pedro Martinez asked which of the projects had solid funding and what would happen if the cost of a project exceeded the funding available. A discussion ensued regarding the issue of inadequate funding in which Public Works Director Rodriguez explained previous instances of such occurrences and how projects without funding were managed. Susan Duke added that the type of funding must be considered when bumping one project for another, since some funding had very specific criteria that must be adhered to.

As opposed to going through each item one by one, the Mayor suggested that the projects be discussed at Council Members’ request. Mayor Hamilton inquired about the generators listed and was informed by the Public Works Director that those were necessary to power the wells in disaster situations. Mayor Pro Tem Felipe Martinez asked about the monies allocated for alleys and the Public Works Director explained how the money was used to repair and reconstruct alley ways. Public Work Director Rodriguez continued by briefly explaining what types of projects were considered in the Curb & Gutter Miscellaneous category. He stated that an example of a Curb & Gutter Miscellaneous project would be repair to damage of a curb, gutter or sidewalk caused by a City tree.

Mayor Hamilton inquired about the City/County projects showing monies set aside every other year. Public Works Director Rodriguez stated that this was a result of the City/County projects not occurring as often due to a lack of mutual interests in projects.
Mayor Pro Tem Felipe Martinez asked if the County had been contacted in regards to the repair of Date Street, east of Plano. The Public Works Director replied that the County would be contacted in regards to that matter.

Mayor Hamilton asked for an update on the Jaye Street Bridge Project. Director Rodriguez stated that the Project was currently in the design phase and that the fee for the design would be $650,000 according to Caltrans. He added that there was still some question as to whether or not the City would be able to get in on the 89/11% program or would have to remain on the 80/20% program for the design. The construction phase however, would be at the 89/11 program for both Jaye and Plano Bridge Projects. Mr. Rodriguez continued by stating that he hoped to advertise in August of 2008 for construction, but there were some Corp of Engineers and Fish & Game restrictions that need to be addressed in order to move forward with the project. He confirmed that Caltrans had authorized 6.5 Million dollars to date, and the additional 1 Million requested to cover the increase in costs for materials had yet to be authorized by Caltrans. He then briefly went over the traffic signal Projects and the Wastewater Treatment Facility Projects. A discussion in regards to the Nitrification/De-nitrification Project took place in which the process was described and questions were raised as to whether the resulting water was consumable.

Community Development Director Brad Dunlap briefly went over the Capital Improvement Strategies for the Community Development Department, which included a re-appropriated Land Use balance of $350,000 and GIS Equipment Project. He elaborated on the GIS Project, stating that it would include miscellaneous computer equipment, added capacity and other tools that would allow staff to continue to augment GIS capacities; a stand alone unit for production of presentations beneficial for working with large files and use of mapping tools, in addition to a one-year GIS technician. He went on to provide a brief explanation of the following projects: Comprehensive Zoning Ordinance Amendment, Elderberry Mitigation Monitoring/Construction, and Enterprise Zone Application. A discussion ensued regarding the Enterprise Zone Application during which the following were addressed; the cost budgeted for the project, the advantages of Enterprise Zone, and expanding the area of Enterprise Zone to allow more commercial enterprises to take advantage of the incentives. Additional projects mentioned were Olive & Second Street Parking Lot, Porterville Hotel, Hockett/Mill Parking Lot and Downtown Master Plan-Project Area Amendment. Mr. Dunlap explained that the amendment to the Project Area was recommended due to a need for revitalization that Redevelopment provides a tool for; and that diversity of land use within the project area was necessary in order to provide stability and improve borrowing capacity.

Mayor Pro Tem Felipe Martinez inquired about the absence of the Kit Fox on the list of projects. Mr. Dunlap explained that the project was included as part of the West Street project and that the money is incorporated into that project.

Parks & Leisure Services Director Jim Perrine presented the Capital Improvement Strategies for the Parks & Leisure Services Department to Council. These projects included Heritage Center Ball Fields, New Library, Murry Park Improvement, Monache Basketball Court Lighting, City Hall Carpet & Entry Resurfacing, Centennial Plaza Main Street-Sound System, Zalud House Master Plan, Tule River Parkway Phase III, Tule River Parkway Phase III, and Lion’s Park Playground.
City Manager John Longley added, in regards to the New Library Project, that there was some discussion at the review committee meeting the night before, pertaining to the voters approving literacy. As a result, he would be recommending that in the 07/08 Year, this appropriation be approved as a modification to the spending plan under the heading of literacy, which was supportable because the allocation would be within the 15% defined by the voters. He added that it would provide an opportunity to get the initial work done that was necessary to get the concept of the new library going.

Mayor Hamilton expressed his concern with the idea of spending $220,000 on a project when the additional costs of the project were unfunded. A short discussion took place in which the possibility of seeking funding from the County was mentioned. City Manager Longley stated that staff could pursue the additional funding once the Council approved the appropriation.

Mayor Pro Tem Felipe Martinez stated that he was having difficulty wrapping his head around the amount of $220,000 and was unable to figure out how that amount was calculated. City Manager Longley stated that staff would provide Council with additional information before the time of the public hearing.

Mayor Hamilton asked Parks & Leisure Services Director Jim Perrine for clarification on the amount of $550,000 listed for the Heritage Center Ball Fields. Jim Perrine explained that the carry-over amount was based on what they expected would remain after the anticipated expenditures through June 30th of that year were deducted. Mayor Hamilton asked to be provided more detail on how the $90,000 was spent after June 30th. Mayor Hamilton then inquired about the Murry Park Improvement. Jim Perrine explained that the $246,000 was the amount that remained of the CDBG funding that paid for the pool and the master plan.

Community Development Director Brad Dunlap spoke in regards to the issue of the ball field expenses. He clarified for Council that the costs of the project were shared with the School District and that there might be some additional funds available after the issue of the shared costs is resolved with the school district. Preparation of the building pad and the environmental work relative to the Elderberry bushes were some examples of shared expenses that need to be computed.

Council Member Pedro Martinez asked City Manager Longley for information about the Sports Complex Field Lighting Feasibility Study. Mr. Longley clarified that the study is an analysis to define the road map to get to the lighting of the field, and to determine actual costs. Mr. Longley, with the assistance of Jim Perrine, continued by going down the list of projects explaining what each of the amounts listed for the 07/08 fiscal year would accomplish in terms of the project’s progression.

Mayor Pro Tem Felipe Martinez raised a question in regards to future funding sources for the Murry Park Improvement and New Library Projects. Mr. Perrine stated that the City would be looking into various forms of funding, such as grants, bond funding and financing. Mayor Pro Tem Martinez and Mr. Perrine then discussed the possibility of consolidating projects and which projects the Council might consider grouping together. A discussion in regards to sites for the library prompted Mr. Longley to state that there were going to be some sites defined in the General Plan. He added that after reviewing and discussing the General Plan, the next step would be to consolidate
Parks & Leisure Services’ Capital Projects. In regards to Mayor Felipe Martinez’s concerns regarding the level of progress being made, he added that in order to achieve the kind of progress desired by the Council, it would be necessary to increase the magnitude of the investment, which would most likely come out of a debt service. He recommended that the Council refrain from jumping ahead and discussing project details, and concluded that it would be best to review the General Plan, research funding mechanisms, look into feasibility and go from there.

At Council Member Pedro Martinez’s request, Jim Perrine provided a description of the Facility Security Systems Upgrade project. Council Member Martinez suggested that the project be funded because of its importance. City Manager Longley agreed with Council Member Martinez that the project was important, but explained that in his opinion, there were more important projects. Mayor Hamilton asked why the upgrade was not considered within the Equipment Replacement Fund. Mr. Longley explained that it was thought that rolling stock was something that had to be replaced in order to maintain the quality of the operations, and it was decided that was where the replacement fund would be. Mayor Pro Tem Felipe Martinez suggested that Risk Management monies be used since it was possible that someone could break into City property, injure themselves and then sue the City. Council Member Pedro Martinez stated that he would like to know which areas had inadequate or no security at that time. It was decided that staff would get that information to Council via a letter. Mr. Longley added that quite a bit of money would be expended from Risk Management for the Hockett/Mill Parking Lot Reconstruction Project, which, from a cash flow perspective, would be lost.

A brief conversation took place regarding trees for the Rails to Trails and the possibility of service clubs assisting with the tree planting effort.

Fire Chief Mario Garcia went over the Capital Improvement Strategies for the Fire Department, which consisted of a new fire station (Fire Station #3) and module buildings for Fire Station #2. The design and construction costs for Fire Station #3 would be funded through Measure H funds, with design being figured at 10% of the estimated construction costs. Chief Garcia explained that the modular buildings for Fire Station #2 were to be used for a classroom, a back-up for the EOC Center, which would serve to provide quality training and enhance the department’s ability to turn the drill grounds to a regional training facility. A brief discussion ensued with regards to locations of interest for the new fire station and the timing comparative to the Public Works projects. Chief Garcia also mentioned the incorporation of a Substation at the new Fire Station location for Police Department use.

Council Member Pedro Martinez inquired as to whether there had been any improvements to Fire Station #1. Public Work Director Baldo Rodriguez informed the Council that they had received a bid for $117,000 to renovate the bathroom facilities within the Fire Station but the costs were too high.

City Manager Longley notified Council that there were three projects proposed at the Airport: the pilot’s lounge at $20,000, the reconstruction of the Airport Office at $50,000, and the development of hangar facilities at $200,000. He noted that the funding for these projects would come from two sources: a loan from the State for a portion of the costs, and the remainder would be
covered by the sale of the property. City Manager Longley added that there would also be an $80,000 project for the engineering design of airport lighting, to be paid for with FAA grant money.

The City Manager announced that the follow-up items would be assigned to staff and the information provided to Council by Thursday, June 14th, 2008.

ORAL COMMUNICATIONS
None

ADJOURNMENT
The Council adjourned at 12:42 p.m. to the meeting of June 19, 2007.

____________________________
Patrice Hildreth, Deputy City Clerk
By: Luisa Herrera

SEAL

______________________
Cameron Hamilton, Mayor
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
AUGUST 7, 2007, 6:00 P.M.

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(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Kincheloe v. City of Porterville.

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 Eddie Hernandez
Invocation – one individual participated.

PRESENTATIONS
   Continuum of Care on Homelessness
   Outstanding Business Presentation – Galaxy Theatre
   Leadership Porterville Class of 2007

ORAL COMMUNICATIONS
• Mike McDonald, Citizens Business Bank, 375 North Main Street, spoke on Item No. 5, commenting that the bid submitted by his bank had been very close to that of Union Bank. He then spoke of the contributions to the community by Citizens Business Bank, and requested that Citizens Bank be considered for the contract.
• Boyd K. Leavitt, 457 East Oak Street, spoke regarding Item No. 22, voicing concern with the formation of a committee to determine whether parking on lawns should be prohibited. Mr. Leavitt suggested that the Council should address the matter.
• Eric Gaetz, 721 East Orange Avenue, spoke regarding Item No. 22, speaking against a possible prohibition on parking on lawns.
• Jim Handley, 361 West Oak, spoke against prohibiting the parking of vehicles on lawns, suggesting that such a restriction would be an infringement on his rights. He commented that environmental concerns could be addressed through requiring the placement of oil pans.

• Dick Eckhoff, 197 North Main Street, requested clarification as to Item Nos. 4 and 7; and spoke regarding Item 13, suggesting that new Design Guidelines were needed.

City Attorney Julia Lew clarified that with regard to Item No. 17a, a sunset clause had been added, and the signature block had been changed to reflect the correct entity owning the subject property.

It was noted that Item No. 15 had been removed from the Agenda.

CONSENT CALENDAR

Item Nos. 4, 5, and 6 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JUNE 22, 2007 AND JULY 31, 2007


Documentation: M.O. 01-080707
Disposition: Approved

2. BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR

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

Documentation: M.O. 02-080707
Disposition: Approved

3. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 03-080707
Disposition: Approved

7. AUTHORIZATION TO ADVERTISE FOR BIDS – OAK AVENUE IMPROVEMENT PROJECT

Recommendation: That City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 04-080707
Disposition: Approved

8. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 – DESIGNATION OF WHITE CHAPEL AVENUE AS A THROUGH STREET

Recommendation: That the City Council approve the proposed amendments to Traffic Resolution No. 10-2001.

Documentation: Resolution No. 70-2007
Disposition: Approved

9. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the attached draft Resolution authorizing the County Auditor to place the items presented on the property tax rolls for collection.

Documentation: Resolution No. 71-2007
Disposition: Approved

10. ACQUISITION OF GRANT DEED AND EASEMENT DEED – PROPERTY LOCATED AT APN 268-090-008 – CARL D. DENNIS AND ALMA L. DENNIS, AS JOINT TENANTS

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Carl D. Dennis and Alma L. Dennis, Joint Tenants, in the amount of $96,250.00, 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 No. 72-2007
Disposition: Approved

11. TECHNICAL CHANGE REGARDING SALE OF PROPERTY AT THE PORTERVILLE AIRPORT INDUSTRIAL PARK TO BLAIR ELECTRIC SERVICES, INC.

Recommendation: That the City Council approve the Resolution authorizing the sale of City property to Bruce J. Blair and Vickie S. Blair, husband and wife.
12. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUSINESS ASSISTANCE PROGRAM MODEL AMENDMENT

Recommendation: That the City Council adopt the draft resolution to approve the amendment to the Community Development Block Grant Business Assistance Program Model to establish the required public benefit standard of the creation or retention of one full-time equivalent job for every $35,000 in City assistance.

Documentation: Resolution No. 74-2007
Disposition: Approved

13. COLOR PALETTE FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA

Recommendation: Report is for information purposes only.

14. APPROVAL OF INVESTMENT AUTHORIZATION


Documentation: Resolution No. 75-2007
Disposition: Approved

16. PROPOSED CHANGE IN THE TABLE OF ORGAZIZATION WITH THE PARKS & LEISURE SERVICES DEPARTMENT

Recommendation: That the City Council adopt the attached draft resolution authorizing a change in the Table of Organization in the Leisure Services Division of the Parks & Leisure Services Department.

Documentation: Resolution No. 76-2007
Disposition: Approved

17. ESTABLISH THE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEM (GIS) TECHNICIAN

Recommendation: That the City Council:
1. Establish the classification of Geographic Information System (GIS) Technician at Salary Range 140 ($2,652-$3,236/month), effective August 7, 2007;
2. Modify the City’s Classification Plan and the Employee Pay and Benefit Plan; and
3. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution No. 77-2007
Disposition: Approved

17a. REQUEST FOR RIGHT OF ENTRY – JAYE STREET CORRIDOR CONSTRUCTION (JLH PROPERTIES)

Recommendation: That the City Council:
1. Approve the Right of Entry documents presented herein;
2. Direct the Public Works Director to proceed with the execution of the Right of Entry documents;
3. Continue all efforts on the appraisal of the City owned surplus property and the appraisal of the Hale property along Jaye Street and along Springville Avenue; and
4. Present all findings and recommendations related to the transfer of City surplus property to the City Council at the earliest Council meeting possible.

Documentation: M.O. 05-080707
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve Items 1-3, 7-14, and 16-17a. The motion carried unanimously.

4. AUTHORIZATION TO ADVERTISE FOR BIDS FOR PHASE ONE IMPROVEMENTS TO THE HERITAGE CENTER SITE SOFTBALL COMPLEX PROJECT

Recommendation: That the City Council:
1. Approve the plans and project manual; and
2. Authorize the Mayor to sign the SWPP and Dust Mitigation Plan; and
3. Authorize advertising for bids for the phase one improvements to the Heritage Ball Fields.

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

Council Member Hernandez asked how many phases the project would consist of in total, to which Mr. Perrine replied that the phases would be determined by funding.
COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the plans and project manual; authorize the Mayor to sign the SWPP and Dust Mitigation Plan; and authorize advertising for bids for the phase one improvements to the Heritage Ball Fields. The motion carried unanimously.

Disposition: Approved

5. AWARD OF CONTRACT- “BANKING SERVICES”

Recommendation: That the Council accept the recommendation of the Audit Committee and authorize staff to enter into an agreement with Union Bank of California for banking services for the period beginning July 1, 2007, and ending June 30, 2012.

City Manager Longley introduced the item.

Mayor Pro Tem Felipe Martinez thanked the Committee for their work and requested that all bids be rejected in order for the Committee to look into the credit card issue further.

City Attorney Julia Lew clarified that a new RFP process would be required if all bids were rejected, in which case an emphasis on the credit card could be made or the proposals could be found qualified and resubmitted to the Committee for consideration.

Council Member McCracken stated that one of the problems during evaluation, with regards to the credit cards, was that all proposals stated they used a credit card processing company. He added that John Lollis would look into some alternatives, but the Committee felt it was important to move forward with the banking portion.

City Attorney Lew explained that starting the RFP process would not guarantee a better deal.

- Mike McDonald, Citizen’s Bank, came forward and provided information regarding rates offered by Citizen’s Bank.
- Patrick Lincoln, 229 N. Main St., Union Bank of California, clarified that the bank processes thru Nova.
- Don (surname inaudible), 229 N. Main St., Union Bank of California, stated he was responsible for putting together the bid, provided additional information regarding merchant clerk processing fees and spoke of the bank’s service to the City.
- Janice Castle, 86 N. Main St., Bank of the Sierra, stated she was in agreement with previous statements regarding merchant clerk processing fees and spoke of the bank’s proposal.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council resubmit this item to the Audit Committee for re-evaluation based on the new information.
received. The motion carried unanimously.

Disposition: Approved

6. AWARD OF CONTRACT – DATE AVENUE RECONSTRUCTION – ‘A’ STREET RECONSTRUCTION & STORM DRAIN PROJECT

Recommendation: That City Council:
1. Award the Date Avenue Reconstruction – ‘A’ Street Reconstruction & Storm Drain Project to Mitch Brown Construction, Inc., in the amount of $648,103.46;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize payment of $14,230.25 to SCE for installation of street lights.

City Manager Longley introduced the item and Public Works Director Baldo Rodriguez presented the staff report, during which he amended the staff recommendation to read,

Recommendation: That City Council:
1. Approve and award the base bid to Mitch Brown Construction, Inc., in the amount of $558,442.99;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs;
4. Authorize payment of $14,230.25 to SCE for installation of street lights;
5. Schedule a Public Hearing for October 2 to consider awarding the Add Alternate to the contract and to discuss the matter of property reimbursement for concrete improvement costs; and
6. If at that time, Council does not award the Add Alternate at the October 2 meeting, the curb, gutter and sidewalk will be constructed during the 2008/09 Fiscal Year using the CMAQ Grant.

Council Member Hernandez stated that his biggest concern was the curb, gutter and sidewalk, and that he was glad to see a public hearing had been set.

City Attorney Lew explained the process involved with curb, gutter and sidewalk fees, which included two public hearings that occurred prior to the award of the contract, and prior to the establishment of the fee.

City Manager Longley provided clarification with regard to CMAQ funds and the period of use.

Mayor Pro Tem Felipe Martinez expressed concern with the length of time that the sidewalk would remain unfinished for the reason that there would be many children walking that area, and stated that he would rather the project be completed quickly.
Mayor Hamilton noted that if the improvements exceeded $15,000 that the fees would have to be shared amongst the properties that would benefit from the improvements.

COUNCIL ACTION:
M.O. 08-080707

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve and award the base bid to Mitch Brown Construction, Inc., in the amount of $558,442.99; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs; authorize payment of $14,230.25 to SCE for installation of street lights; schedule a Public Hearing for October 2, 2007 to consider awarding the Add Alternate to the contract and to discuss the matter of property reimbursement for concrete improvement costs; and if at that time, Council does not award the Add Alternate at the October 2, 2007 meeting, the curb, gutter and sidewalk will be constructed during the 2008/09 Fiscal Year using the CMAQ Grant. The motion carried unanimously.

Disposition: Approved

The Council recessed at 8:10 p.m. for 10 minutes.

PUBLIC HEARINGS
18. SALAZAR RANCH TENTATIVE SUBDIVISION MAP (MIGUEL SALAZAR)

Recommendation: That the City Council:
1. Adopt the draft resolution approving Salazar Ranch Tentative Subdivision Map subject to conditions of approval.

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

The hearing opened to the public at 8:31 p.m.

- Jim Winton, 150 W. Morton, came forward to speak on behalf of Mr. Salazar, requested Council’s approval, and stated that he would be available for questions.
- Tom Moran, 482 N. Sunnyside, voiced concern over no block wall being required.

The hearing closed to the public at 8:34 p.m.

Mr. Dunlap addressed Mr. Moran’s concerns with regard to the absence of a block wall. He stated that the Code did not require a block wall, and that the residential use was separated from the non-residential use by a street.
Mayor Hamilton inquired about the acreage of the contiguous ownership portion of the subdivision map.

- Jim Winton, address on record, came forward and clarified that the property was approximately one acre and was not owned by Mr. Salazar.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving Salazar Ranch Tentative Subdivision Map subject to conditions of approval. The motion carried unanimously.

Disposition: Approved

19. CONDITIONAL USE PERMIT 7-2007 (PORTERVILLE FIRST CHURCH OF THE NAZARENE)

Recommendation: That the City Council:
1. Approve the Addendum to the Mitigated Negative Declaration approved on March 7-2006 by Resolution No. 35-2006; and
2. Approve Conditional Use Permit 7-2007, subject to conditions of approval.

City Manager Longley introduced the item and Community Development Director Dunlap presented the staff report.

Council Member Hernandez noted that he did live within 700-feet of the site, but that he was outside of the Conflict of Interest zone and would remain for the item.

Mayor Hamilton noted, in the interest of full disclosure, that he attended the Nazarene Church but had no conflict of interest financially.

A video was presented on the project.

The hearing opened to the public at 8:59 p.m.

- Jim Winton, address on record, came forward to inquire about Condition 20 of the resolution which notified the developer/applicant that the property was subject to development fees. He stated that the fees were not agreed upon. He also inquired about Condition 39 which made mention of tree wells for sidewalks that would exceed 7 feet in width, and proposed alternatives.
- Mark Pitcher, 2522 W. Cricklewood Ct., Pastor of Porterville First Church of the Nazarene, spoke in favor of project and voiced appreciation for staff’s assistance. He noted a future ground breaking event to which the Council would receive invitations.
- Marty (surname inaudible), 1932 W. School Ave., spoke in favor of the family-oriented facility.
- Daryl Nicholson, 26914 Ave. 140, came forward on behalf of the Church Board to thank the City Staff for all of their time and hard work, and stated that he would be available for questions.

The hearing closed to the public at 9:13 p.m.
Community Development Director Brad Dunlap clarified that Conditions 19 and 20 were notifications of the costs that had been incurred, but that it would not hinder the Conditional Use Permit from moving forward. The City Manager added that it was an expense that had been paid, and that the City would be billed for the recovery of it at the time that development occurred. Mayor Hamilton continued by stating that the amount was incurred by the Burton School District Charter School for the widening of Matthew, curb, gutter and sidewalk, but that the District was unable to pay due to lack of funding from the State. The City Manager stated that the resolution was to advance funds for the development of the street, with the understanding that it would be assessed against the property that would benefit from the street improvement. City Attorney Julia Lew noted that there was a specific mechanism in place for contesting and assessing development impact fees, and that those remedies would still be available at the time the fees were assessed. A brief discussion ensued in which it was clarified that Burton School District fronted the costs of the improvements, and the City agreed to seek reimbursement from future development, since there were specific benefits to the properties.

- Daryl Nicholson, address on record, came forward and stated that he and Mr. Smee had agreed to purchase the property from the landowner. He stated that it was just a house and before Burton School District had begun to build, they agreed on a price per so many square feet. He indicated that the landowner had met with Burton School District and had agreed to sell the strip of property for curb, gutter and sidewalk improvements without informing him and his partner, Mr. Smee, and that the landowner had received at least $30,000 for the strip of land. Mr. Nicholson then stated that Burton School District then owned the property and was required to improve it. He indicated that he had met with City staff, the Mayor and several others to mitigate it, and that he and his partner had offered to do the development for a reduced fee, about 35% less than they were going to do, and that this was the last communication they had with them. He stated that there had been no communication as a development agreement that they would do that. He indicated that they did it on their property; and similar to the previous item, the developer of the church would put in the street because he owned the property. He indicated that Burton School District owned the property that they developed, and if it was a normal situation and they had purchased the property, they would probably agree to do it. He added that Burton School District’s Board had just voted to make him and his partner pay one way or another, and what they developed was never on their property. He stated that when escrow closed, they only bought the additional portion.

Parks and Leisure Services Director Jim Perrine addressed the issue of tree wells as referenced in Condition 39. He stated that a sidewalk ten feet across is of excessive width, that the staggered landscaping would provide a more natural environment, and the tree wells would provide shade to the hardscape.

- Jim Cheyne, 1310 Chess Terrace, came forward to state that trimming trees away from power lines was a cost to Edison.

Mr. Perrine stated that it was important to select the correct tree. A discussion then ensued in regards to the placement of the trees on the sidewalk.

- Jim Winton, address on record, came forward to speak in opposition of the tree wells and in favor of the trees being staggered within the landscaped area. He added that it was the City that was requiring the ten foot wide sidewalk.
Community Development Director Dunlap explained that the frontage along Olive Avenue was commercially zoned and therefore the Code required a sidewalk that was ten feet in width. He then provided Council with some options for Council action.

Council Member Hernandez made a motion to approve the Addendum to the Mitigated Negative Declaration approved on March 7-2006 by Resolution No. 35-2006; and approve Conditional Use Permit 7-2007 subject to conditions of approval, as amended regarding No. 39. Engineering is to review the matter for the possible allowance of a seven foot wide sidewalk; if not, a ten foot wide sidewalk with tree wells would be required.

Council Member McCracken proposed a friendly amendment to the motion which would also allow the developer to propose alternatives to staff for consideration, to which Council Member Hernandez accepted.

The Mayor then asked the applicant if they would be interested in proposing additional options for staff to examine.

- Daryl Nicholson, address on record, stated that if the trees were planted on the sidewalk that they would be clipped by the traffic and that having the trees planted next to the sidewalk would allow it to grow out and provide more shade. He asked if staff would consider accepting a sidewalk that was ten feet wide with the trees planted back if they could demonstrate that it would provide more shade to the hardscape.

- Daryl Nicholson, address on record, then stated that they were going to move dirt as soon as the permit was approved and that they did not want to have to come back for another conditional use permit, so in order to prevent any further delay, they would probably succumb to whatever staff decided on the matter.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Martinez that the Council approve the Addendum to the Mitigated Negative Declaration approved on March 7-2006 by Resolution No. 35-2006; and Conditional Use Permit 7-2007 subject to conditions of approval as amended regarding No. 39, with the Engineering Department to review the matter for the possible allowance of a seven food wide sidewalk; if not, a ten foot wide sidewalk with tree wells would be required, in the event a City-Approved alternative is not identified.

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

Disposition: Approved
The Council recessed for 10 minutes.

20. DEVELOPMENT AGREEMENT ORDINANCE: ZOA 4-2007

Recommendation: That the City Council:
1. Consider adoption of a Development Agreement Ordinance, approve the ordinance and give first reading to the draft ordinance.
2. Waive further reading and order the ordinance to print.
3. Authorize staff to schedule a public hearing on a fee for processing Development Agreements under the ordinance.

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

The hearing opened to the public at 10:03 p.m. and closed at 10:04 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 a Development Agreement Ordinance, approve the draft ordinance, give first reading; waive further reading, and order the ordinance to print; being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING STANDARDS FOR DEVELOPMENT AGREEMENTS; and authorize staff to schedule a public hearing on a fee for processing Development Agreements under the ordinance. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved

21. WATER CONSERVATION PLAN

Recommendation: That City Council authorize staff:
1. To continuing Phase II of the Water Conservation Plan for the months of August through September;

2. Authorize staff to review other water conservation options that may be appropriate for inclusion in the Water Conservation Plan such as odd-even residential water schedules, “tiered-block” rates; and

3. Direct staff to bring back the water conservation matter no later than February 19, 2008 with recommendations to improve water conservation efforts.

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

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The hearing opened to the public at 10:08 p.m. and closed to the public at 10:09 p.m. when nobody came forward.

Council Member Pedro Martinez moved that the Council accept staff’s recommendation and Mayor Pro Tem Felipe Martinez seconded the motion, and proposed a friendly amendment to excluded consideration of tiered block rates. Council Member Pedro Martinez accepted the amendment.

COUNCIL ACTION:  MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize staff to continue Phase II of the Water Conservation Plan for the months of August through September; authorize staff to review other water conservation options that may be appropriate for inclusion in the Water Conservation Plan such as odd-even residential water schedules; and direct staff to bring back the water conservation matter no later than February 19, 2008 with recommendations to improve water conservation efforts. The motion carried unanimously.

Disposition:  Approved

SCHEDULED MATTERS

22. AD HOC COMMITTEE APPOINTMENT

Recommendation:  That the City Council appoint the seven member Ad Hoc Committee Re: Non-Driveway Parking, and direct the Committee to provide options to the Council to address aesthetic and environmental issues associated with the parking of vehicles on non-driveway areas on private property.

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

Mayor Hamilton requested that the Council consider that a Code Enforcement Officer and a Police Officer, to be appointed by the Chief, be added to the Committee.

COUNCIL ACTION:  MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council appoint Gerald Eoff; Ben Harvey; April McLaughlin; Lee Lembke; Greg Shelton; Bob Topf; and Rodney Martin; the Code Enforcement Officer; and one Police Officer to the Ad Hoc Committee Re: Non-Driveway Parking, and direct the Committee to provide options to the Council to address aesthetic and environmental issues associated with the parking of vehicles on non-driveway areas on private property.

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

Disposition:  Approved
23. APPOINTMENT TO TRANSACTION FEE AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council appoint a member to the Transaction and Use Tax Oversight Committee to fill the unexpired term of Teresa de la Rosa until May 2008.

City Manager Longley introduced the item and Deputy City Manager John Lollis presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council appoint Josef Guerrero to the Transaction and Use Tax Oversight Committee to fill the unexpired term of Teresa de la Rosa until May 2008. The motion carried unanimously.

Disposition: Approved

24. AMENDMENT TO CITY’S CONTRACT WITH CALPERS FOURTH LEVEL OF 1959 SURVIVOR BENEFIT PROGRAM FOR LOCAL SAFETY FIRE MEMBERS

Recommendation: That the City Council approve the draft Resolution of Intent and the Enabling Ordinance, and give first reading of the Ordinance, authorizing the City’s Contract with CalPERS to be amended to provide the Fourth Level of 1959 Survivor Benefit Program optional benefit provision for Local Safety Fire Members, to become effective on October 5, 2007; and authorize the Mayor to execute the necessary documents, and the amended Contract upon receipt, on behalf of the City of Porterville.

City Manager Longley introduced the item and Deputy City Manager Lollis presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the proposed Resolution of Intent and the Enabling Ordinance, and give first reading of the Ordinance, authorizing the City’s Contract with CalPERS to be amended to provide the Fourth Level of 1959 Survivor Benefit Program optional benefit provision for Local Safety Fire Members, to become effective on October 5, 2007; and authorize the Mayor to execute the necessary documents, and the amended Contract upon receipt, on behalf of the City of Porterville. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved
25. AMENDMENT TO THE CITY CODE – CHANGES TO THE SPECIAL SPEED ZONES

Recommendation: That City Council:
1. Approve the proposed Ordinance amendment;
2. Give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and
3. Direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

City Manager Longley introduced the item and Public Work Director Baldo Rodriguez presented the staff report.

Mr. Rodriguez provided clarification in regard to the legalities involved with a reduction of speed limits. City Attorney Lew added that her understanding was if the reduction was in excess of the amount allowed, the speed limit could not be enforced by radar.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the proposed Ordinance amendment; give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

26. REQUEST FOR COUNCIL STUDY SESSION ON CASE STUDY FOR THE HILLSIDE DEVELOPMENT ORDINANCE

Recommendation: That the City Council schedule a study session on the Hillside Development Ordinance.

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

Council Member Hernandez asked that the Council receive the study data at least five working days prior to the study session to provide ample time for review.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council schedule a study session on the Hillside Development Ordinance, the date for which is to be decided. The motion carried unanimously.

Disposition: Approved
27. PARK RANGER PROGRAM OPTIONS

Recommendation: That the City Council consider the matter, together with the recommendation of the Parks & Leisure Services Commission, and authorize the creation of job classifications for part-time Park Rangers for the implementation of a program by Spring of 2008.

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

Council Member Pedro Martinez moved to accept the Part-Time Position Option, and the motion was seconded by Mayor Pro Tem Felipe Martinez.

Mayor Pro Tem Felipe Martinez asked why the authority to issue citations would only be granted to a full-time ranger. Mr. Perrine stated that the reasoning was to encourage customer relations and promote compliance through education and discussion.

Mr. Perrine explained to Council that there was a Leisure Services worker who worked two to three hours per weekend educating park visitors on park rules and regulations. He noted that although she had no citation authority, she had been successful in her requests for compliance a majority of the time. Mr. Perrine added that the Park Ranger would be an expansion of this program.

Mayor Hamilton inquired about the maintenance duties that were proposed for the position and stated that he did not want the position of Park Ranger to be filled with a maintenance worker. Mr. Perrine stated that the maintenance duties were additional activities that would keep the Park Ranger productive; which prompted the Mayor to question the need for the position. The Mayor added that he envisioned the duties differently and that he was more concerned with safety. Council Member McCracken concurred with the Mayor’s concerns.

Mayor Pro Tem Felipe Martinez inquired about the possibility of a full-time and part-time position. Mr. Perrine stated that the City did not have the flexibility to have a full-time and part-time ranger within the budget allocation. A conversation ensued in which alternative scheduling of new and/or existing positions were suggested and discussed.

City Manager John Longley stated that at that time there was no money to support additional maintenance workers, whereas safety and compliance of park rules was a priority. He suggested that the Council approve Council Member Pedro Martinez’s motion to accept the Part-time option, give direction that there would be no significant maintenance conducted, and that the Park Ranger would be specifically identified as a Park Ranger.

Mr. Perrine commented that during the period of September through March the Ranger could be hired as a park maintenance worker.

Council Member McCracken moved that the Council accept the Part-time option, with no scheduled maintenance duties, from April to October, with budgeted funds to be spent only on Park Rangers during those periods.
The Mayor then called for the vote on Council Member McCracken’s motion.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council accept the Part-time option, with no scheduled maintenance duties, from April to October, with budgeted funds to be spent only on Park Rangers during those periods.

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

Disposition:  Approved

### 28. DOG PARK FEASIBILITY

**Recommendation:** That the City Council consider the preliminary information provided by staff for consideration of a dog park and provide direction.

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

Council Member McCracken made a motion to postpone the item indefinitely. The motion was then seconded by Council Member Hernandez, with discussion.

Council Member McCracken expressed concern with the costs, and did not see a need for a dog park. Council Member Hernandez shared his concerns.

Council Member Pedro Martinez stated that a dog park would provide a designated area for dog owners to let there dogs run off-leash.

Mayor Hamilton asked if the City would be liable for any injuries that occurred inside the dog park. City Attorney Julia Lew stated that it could, but that rules could be worded such that visitors would assume the risk with the use of the park. She added that with the number of dog parks popping up throughout the state, there were most likely such provisions. She stated that she could research dog park activity for Council.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council postpone the item indefinitely.

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

Disposition:  Direction provided to staff.
After some discussion the Council provided direction to send the item back to Parks & Leisure Services, for staff to research additional sites and obtain information on Visalia’s dog park. The City Attorney was directed to research dog park issues and activity.

29. AUTHORIZE TREE DONATION PROGRAM FOR RAILS TO TRAILS & TULE RIVER PARKWAY

Recommendation: Authorize the creation of the tree donation program for the Rails to Trails and Tule River Parkway, along with the establishment of appropriate project accounting.

City Manager Longley introduced the item.

The Parks & Leisure Services Commission recommended a discount of $10 be given to those who did not wish to have a plaque displayed by the tree. He added that the $100 donation would be in lieu of providing the tree, but that someone could provide a tree if it was one that was on the list of approved trees.

COUNCIL ACTION: Moved by Council Member Hernandez, seconded by Mayor Pro Tem Felipe Martinez that the Council authorize the creation of the tree Donation program for the Rails to Trails and Tule River Parkway, along with the establishment of appropriate project accounting. The motion carried unanimously.

Disposition: Approved

30. AB1234 LEGISLATIVE/CASE LAW UPDATE

Recommendation: That the City Council consider this report, and authorize the City Attorney to schedule a presentation by Michael Jenkins concerning public official ethics and legal issues.

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

Council directed staff to look into hosting AB1234 training, and the possibility of opening the training to other municipalities.

Disposition: Direction provided to staff.

31. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – “CONSIDERATION OF AMENDMENT TO CITY CHARTER TO INCLUDE CITY MOTTO: IN GOD WE TRUST”

Recommendation: As directed by Council.

City Manager Longley introduced the item.
The Council directed the City Attorney to proceed and bring back the resolution required to place the item on the ballot.

Disposition: Direction provided to staff.

32. REQUEST BY COUNCIL MEMBER – CODE OF ETHICS POLICY FOR COMMISSIONERS, BOARDS AND COMMITTEES

Recommendation: None

City Manager Longley introduced the item.

Council Member Hernandez stated that he would like to see a Code of Conduct established. The City Attorney stated that the City did not have a Code of Ethics Policy, but recommended that if one was put into place, it should encompass the Council, Commissioners, Committees and Boards.

Council Member McCracken stated that the Council could not dictate good manners and civil behavior. Mayor Hamilton agreed, but added that a Code of Ethics was a good thing. Council Member Pedro Martinez stated that he was not opposed to the idea of a Code of Ethics, but was opposed to the reason that it was being proposed at that time. Mayor Pro Tem Felipe Martinez noted that those who sit on City Commissions and Boards reflect on the City, and spoke in favor of the proposal.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize Council Member Hernandez to work with staff on a proposal and bring it back to Council for consideration.

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

Disposition: Approved

ORAL COMMUNICATIONS

- Joe Guerrero, 332 South F Street, thanked the Council for his appointment to the TUTOC Committee; spoke in favor of a Code of Ethics; and questioned the need for an official City Motto.
- Dick Eckhoff, address on record, requested clarification regarding the proposed Park Ranger Program – Item 27; spoke in favor of a dog park – Item 28; and suggested that a Code of Conduct might be what the Council should consider, rather than a Code of Ethics.

OTHER MATTERS

- City Manager Longley requested that the public hearing for Item 6, regarding Dave Avenue Reconstruction be scheduled for September 18, 2007 City Council Meeting.
Council Member Pedro Martinez:
1. Requested an Agenda Item to discuss installing speed calming devices, such as speed bumps, in Casas Buena Vista;
2. Suggested that the City of Porterville host local Mayors and City Managers to discuss County service levels and to possibly coordinate joint lobbying efforts. The Council concurred with Council Member Martinez.
3. Spoke of the success of the Kid’s Day in the Park Event held on August 2nd.
• Parks & Leisure Services Director Jim Perrine thanked Council Member Martinez for his volunteer work at the event.
• Mayor Pro Tem Felipe Martinez acknowledged the success of Kid’s Day in the Park, and requested that the event be held twice per year.
• Mayor Hamilton praised the Kid’s Day in the Park event, and thanked staff for their work.

CLOSED SESSION
The Council recessed for five minutes at 11:44 p.m., and then reconvened Closed Session.

ADJOURNMENT
The Council reconvened the public meeting, reported that no action had taken place during Closed Session, and adjourned at 12:15 a.m. to the meeting of August 21, 2007.

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

SEAL

Cameron Hamilton, Mayor
SUBJECT: CLAIM - GUSTAVO GOMEZ

SOURCE: Administration

COMMENT: Mr. Gustavo Gomez has filed a claim against the City in an amount exceeding $25,000, in the Unlimited Jurisdiction of Tulare County Superior Court, for extreme emotional upset, anxiety, sleeplessness and headaches. The Claimant alleges that he incurred said damages when a Porterville Police Officer used unnecessary and unreasonable force to detain and arrest his wife, Maria Mejia, on July 4, 2007 at 361 North Larson Street, Porterville, CA.

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.
CLAIM FORM
(Please Type Or Print)

CLAIM AGAINST
Porterville Police Department and The City of Porterville

Claimant's Name: Gustavo Gomez
Claimant's Date of Birth: [Redacted]
Claimant's Address: 361 N. Hanson St., Porterville, CA 93257

Address where Notices about Claim are to be sent, if different from above:

Gustavo Gomez c/o Law Office of Robert E. Vehkelman 258 N. D Street
Porterville, CA 93257

Date of Incident/Accident/Arrest: 361 N. Hanson St., Porterville CA 93257
Date Injuries, Damages or Losses were discovered: July 4, 2007 @ about 10:00 p.m.
Location of Incident/Accident/Arrest: 361 N. Hanson St., Porterville, CA

What did Entity or Employee do to cause this Loss, Damage or Injury?
City of Porterville Police Department Officer Brian Clower used UNNECESSARY and UNREASONABLE force against Mr. Gomez' wife, Ena Mejia. (Officer Clower pulled Ms. Mejia to the ground by her hair) in the sight and presence of Mr. Gomez, thereby causing him extreme anxiety and emotional upset

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)? out of concern for his wife, Porterville Police Department Officer Brian Clower.

What specific Injuries, Damages or Losses did Claimant receive?
Extreme emotional upset, anxiety, sleeplessness, headaches.

What Amount of Money is Claimant Seeking, or which is the appropriate court of Jurisdiction [Govt. code 910(0)]?
More than $25,000.00 - the unlimited jurisdiction of the Tulare County Superior Court

How was this Amount Calculated, if applicable (please itemize):
Medical expenses - pain + suffering

Date Signed: Dec 4, 2007
Signature: [Signature]

If signed by Representative:
Representative's Name
Address
Telephone #
Relationship to Claimant
SUBJECT: APPROVAL OF ARCHITECTURAL ELEVATIONS FOR RIVERWALK MARKETPLACE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On August 1, 2006, the City Council adopted resolution 101-2006 certifying the Environmental Impact Report (EIR) for the Riverwalk Marketplace Commercial Center. On August 15, 2006, the City Council adopted resolution 114-2006 approving Conditional Use Permit 4-2006 to adopt a specific plan for a 40± acre commercial center within the Viejo Robles Planned Development. Approval of architectural elevations was deferred until submittal for building permits. The adopted CUP (CUP 4-2006) required that building permit elevations be reviewed by City Council. The conditional use permit required that building design be architecturally compatible with the remainder of the shopping center and in compliance with all applicable codes. A unified architectural theme shall be established and maintained for all buildings, signage and accessory amenities to be constructed within the shopping center. As Lowe’s was the first building approved, it in essence established the architectural theme.

At this time, the Developer is seeking approval of the architecture for Building Pad 3 (Attachment 2). The materials to be used on the building are identified on the attached elevations. The building will have a flat roof and a stucco finish in calm desert tones of tan, beige, topaz, sand and honey also found on the attached elevations. The proposed colors are consistent with the previously approved color palette. Staff has reviewed the site plan (Attachment 3), proposed elevations, materials and colors and has found the proposed buildings are compatible in architecture and colors. The proposed elevations are also compatible with the main anchor tenant Lowe’s. Staff is recommending that the following conditions be included in the approval of the proposed architectural elevations and building colors:

- That all secondary doors facing Jaye Street and Vandalia Avenue be painted to match the background color of the building wall in which the doors are located.
- The developer shall incorporate groundcover, shrubs and trees between buildings facing public streets to help soften the transition between buildings and the public right-of-way.
- Comply with all conditions of approval contained in Resolution Nos. 101-2006 and 114-2006
RECOMMENDATION: Staff recommends that the City Council Approve the proposed architectural elevations, colors and materials for “El Pollo Loco” located on Building Pad 3.

ATTACHMENTS:

1. Riverwalk Color Palette
2. Building elevations with noted materials and colors
3. Site Plan
# Riverwalk
## Color Palette

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<thead>
<tr>
<th>PT - 1</th>
<th>Mississippi Moon #10YY 50/469 A0625</th>
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<tr>
<td>PT - 2</td>
<td>Eternal Beige #10YY 75/084 A0660</td>
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<td>PT - 3</td>
<td>Dapper Tan #10YY 65/163 A0663</td>
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<td>Milk &amp; Honey #10YY 69/130 A0653</td>
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<td>PT - 7</td>
<td>Desert Valley #10YY 52/207 A0767</td>
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<td>PT - 8</td>
<td>Mayan Neutral #10YY 63/162 A0654</td>
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<td>PT - 9</td>
<td>Sable Sands #10YY 38/225 A0740</td>
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<tr>
<td>PT-10</td>
<td>Naturally Calm #10yy 44/215 A0664</td>
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CITY COUNCIL AGENDA: MARCH 18, 2008

SUBJECT: AUTHORIZATION TO APPLY FOR PERMANENT ACCESS FROM STATE ROUTE 190 AT THE VELB MITIGATION SITE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

BACKGROUND: The City of Porterville’s Headgate Property is located at the east edge of the City on the north side of State Route 190 and is the location of the City’s Valley Elderberry Longhorn Beetle (VELB) Preserve. The overall site is approximately 55 acres. The existing preserve consists of 7.3 of the 55 acres.

COMMENT: At this time, staff is requesting that the City Council direct staff to apply for a permanent access easement to the VELB Mitigation site from State Route 190. Caltrans requires that the local governing body (City Council) initiate requests for permanent access from State right-of-ways. Staff was able to secure a temporary access permit from State Route 190 to construct the VELB Mitigation site. The six (6) month permit is currently valid but is set to expire in May of 2008, or upon completion of construction, whichever occurs first.

The request for permanent access from State Route 190 is necessary to facilitate ease of access for maintenance and monitoring of the site. Although the permanent access easement is not guaranteed approval, it is staff’s opinion that the effort is necessary because the alternative access point requires crossing the Tule River to the north. Traversing the river bed from City owned property on the north side of the river with equipment and materials is problematic.

RECOMMENDATION: That the City Council:

1. Authorize staff to prepare all necessary documents; and
2. Authorize the Mayor to sign all appropriate documents as necessary to apply for a permanent access easement to the VELB Mitigation Site (Headgate Property) from State Route 190.

Attachments:

1. Locator Map
2. Draft Resolution authorizing City to apply for permanent access

DD Appropriated/Funded CM

Item No. 4
Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE FOR AUTHORIZATION TO APPLY FOR PERMANENT ACCESS FROM STATE ROUTE 190 AT THE VELB MITIGATION SITE

WHEREAS, the City Council of the City of Porterville administers the City’s Habitat Conservation Plan (HCP); and

WHEREAS, as a function of the City’s HCP, and to specifically mitigate impacts to VELB habitat resulting from four (4) City projects to date, the City approved construction of a 7.3 acre VELB Mitigation Site (APN# 263-140-007) located at the east edge of the City on the north side of State Route 190 just east of Road 256; and

WHEREAS, permanent access from State Route 190 is necessary to facilitate ease of access for maintenance and monitoring of the site;

NOW THEREFORE, the City Council of the City of Porterville authorizes the submittal of all necessary documents and authorizes the Mayor to sign all appropriate documents as necessary to the State of California Department of Transportation (Caltrans) to apply for a permanent access easement at the City’s VELB Mitigation Site.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSALS (RFP) FOR ON-CALL ENVIRONMENTAL SERVICES.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In April 2003 the City signed an On-Call Environmental Services agreement with Quad Knopf. During the Council meeting of February 21, 2006 staff was authorized to extend the agreement for a period of 24 months. This extension will expire on May 1, 2008. At this time staff is requesting authorization to distribute Request for Proposals (RFP) for On-Call Environmental Services.

The services to be rendered under this contract would consist of, but not be limited to the preparation of Initial Studies, Negative Declarations, Environmental Impact Reports and where appropriate, Categorical Exclusions, Environmental Assessments, Environmental Impact Studies and other documents as necessary to comply with state and federal environmental guidelines. It is anticipated that the majority of the work effort would be focused on CEQA compliance. The selected environmental consultant must have a substantial working knowledge of CEQA and NEPA, must possess strong writing and communication skills and have a flexible schedule that will allow for attendance at meetings as necessary. Although the Community Development Director or City Planner will review the consultant’s work, the above referenced skills are essential to meeting the objectives of this program.

In addition to the preparation of environmental documents and studies, it is anticipated that the City will have a number of projects requiring on-site biological and/or archaeological monitoring during construction. Other services typically rendered by the selected firm may also be utilized from time to time. It is intended that the successful consultant will perform on both public and private sector projects. Pursuant to the City’s local CEQA Guidelines, the City provides an option to developers to utilize the City’s on-call services in lieu of going through the separate RFP process.

RECOMMENDATION: That City Council authorize staff to distribute Request For Proposal’s for On-Call Environmental Services
SUBJECT: Approval of Resolution Defining Landing Fee for Cal Fire Aircraft

SOURCE: City Manager

The Air Attack Base is a vital aspect of City Airport operations. The money derived from fuel and landing fees is critical to support Airport operations. In 2002 the Airport Manager prepared a letter study defining the fee for each air attack aircraft landing as $60.

This fee has been paid since the determination by both the United States Forest Service and Cal Fire. Over the past year, however, as a result of Cal Fire’s investigation and the City’s notification that credit cards may no longer be used for the payment, specific documentation has been required.

The Airport General Manager has been working with both the United States Forest Service and Cal Fire to establish the documentation necessary to support payment. With the United States Forest Service this will be a supplemental agreement for the Air Attack Base. For Cal Fire, we have been notified that it is an authorizing resolution.

The resolution is attached for the Council’s consideration. Essentially, it recounts the history of the issue and establishes, based on the USFS contract, the amount of landing fee required.

RECOMMENDATION: Approve the resolution as presented, defining the amount of landing fee since May, 2002.
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SPECIFYING CONDITIONS OF USE FOR AIR ATTACK BASE BY CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) TO PROVIDE THE RIGHT FOR CAL FIRE AIRCRAFT TO LAND, TAKE OFF AND TAXI TO AND FROM CAL FIRE PORTERVILLE AIR ATTACK BASE AT THE PORTERVILLE MUNICIPAL AIRPORT

WHEREAS, Cal Fire and the United States Department of Agriculture (U.S. Forest Service) entered into a Supplemental Agreement on April 14, 1998 with the City of Porterville to define a site for the development of an Air Attack Base at the Porterville Municipal Airport;

WHEREAS, any use of property on an air facility by United States Federal Aviation Agency requires fair financial consideration to compensate for the use;

WHEREAS, Cal Fire and the U.S. Forest Service have paid to the City of Porterville landing fees as compensation for the use of City airport facilities including the leasehold in the Supplemental Agreement of April 14, 1998;

WHEREAS, by a Memorandum from Porterville Municipal Airport Manager Frank Guyton to Sequoia National Forest Supervisor Art Gaffrey dated May 9, 2002, a fee of $60.00 per landing for air tanker aircraft was established. This fee was based upon a study of fees paid by the U.S. Forest Service and Cal Fire at other bases, and has subsequently been paid by the U.S. Forest Service and Cal Fire since 2002.

NOW, THEREFORE, BE IT RESOLVED, for the period since May 9, 2002, and for the life of the Lease between the City of Porterville and the U.S. Department of Agriculture, and consistent with Federal Regulations, the City of Porterville recovers monies to support the Airport through landing fees assessed against aircraft utility at the Air Attack Base and through the sale of gasoline. During the life of the Lease, Cal Fire, on behalf of the operators utilizing the Air Attack Base shall pay to the City of Porterville, aircraft landing fees at a rate as negotiated between the City and the United States Department of Agriculture. The landing fees are deemed to be additional consideration and payment for the lease. Payment shall be made on a monthly basis. The landing fee shall be $60.00 for each landing of an air tanker aircraft owned or contracted by Cal Fire, if the aircraft utilizes the base. This fee may be modified from time to time by the mutual written consent of the parties based upon an analysis documenting a modified fee.

APPROVED AND ADOPTED this ____ day of March, 2008.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy
COUNCIL AGENDA: MARCH 18, 2008

SUBJECT: COMMUNITY CLEAN UP EVENTS

SOURCE: Public Works Department - Field Services Division

COMMENT: To encourage property maintenance and beautification, the City sponsors two clean up events every year; one in the Spring and one in the Fall. These events offer City residential refuse customers free disposal of general trash, bulky items, woodwaste and yard clippings at the City's Corporation Yard. Last year the event was well received, with 535 residents participating in the Spring event. Approximately 35 tons of general refuse was received, and an additional 55 tons of recyclable material was diverted from the landfill. Total cost of the event, including disposal fees and personnel, was approximately $4,300. Due to unforeseen circumstances the Fall event was canceled.

Based on the success of prior events, staff recommends the City host two Community Clean Up Events in 2008. Proposed event dates are Saturday, April 26th, and Saturday, October 25th. As in the past, the events are open to all residents receiving City refuse service. Staff estimates City disposal costs for both events to be approximately $6,000 funded through the Solid Waste Operating Budget.

RECOMMENDATION: That City Council:

1. Declare April 26, 2008, "Spring Clean Up Day" and October 25, 2008, "Fall Clean Up Day";

2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;

3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and

4. Authorize the cost of both events be funded from the Solid Waste Operating budget.

P:\pub\works\Engineering\Council Items\Community Clean Up Events 2008 - 2008-03-18.doc

Dir Appropriated/Funded GM Item No. 7
SUBJECT: RETIREMENT OF POLICE SERVICE DOG “FALCO”

SOURCE: Police Department

COMMENT: In March, 2007, the City of Porterville purchased “Falco,” a two year old Belgian Malinois, for use as a police service dog. “Falco” was purchased from Lanhai Kennels. During his initial phases of training, “Falco” was a promising young police service dog.

In recent months, “Falco” has mentally deteriorated considerably. For unknown reasons, he became timid. This evolved to fear, and eventually cowardice. Substantial training efforts and a change of handlers have not stopped or corrected the deterioration. An outside expert trainer and evaluator was consulted and he spent time with “Falco.” It is his, and our own K-9 supervisor’s, opinion that “Falco” will not be able to regain the level of confidence needed to work in a police environment. Due to the above factors, “Falco” is being retired from service.

“Falco” is being retired based on his lack of ability to continue working as a police service dog. Because he will no longer be able to act in the capacity of a police service dog, the fair market value of “Falco” is one dollar ($1.00.)

Because “Falco” was a police service dog, the options upon retirement are either euthanasia or the sale of the animal to someone with knowledge of police service dogs and their previous work. A member of our department, Sergeant Richard Standridge, has volunteered to assume ownership of “Falco,” including all responsibilities and liabilities related to such ownership.

RECOMMENDATION: That the City Council:

1) Approve the sale of “Falco” to Richard Standridge for one dollar ($1.00);
2) Authorize the Mayor to execute the agreement and document to sell “Falco” to Richard Standridge.

Item No. 8
AGREEMENT TO PURCHASE CITY PROPERTY

This agreement to Purchase City Property (hereinafter referred to as “AGREEMENT”) is made and entered into by and between Richard Standridge (hereinafter referred to as “Standridge”) and the CITY OF PORTERVILLE (hereinafter referred to as “CITY”) and the Porterville Police Department (hereinafter referred to as “PPD”) and (hereinafter collectively referred to as “PARTIES”).

RECITALS

WHEREAS, STANDRIDGE is currently a Police Sergeant with the PPD.

WHEREAS, STANDRIDGE has offered to purchase “Falco” from the CITY and the PPD at the time “Falco” ceases to work as a police service dog for the CITY.

WHEREAS, STANDRIDGE understands that “Falco” is a trained police dog and assumes any liability arising out of, connected with, or resulting from the actions of “Falco” from and after the date of this agreement.

WHEREAS, the PARTIES desire to enter into this AGREEMENT.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the PARTIES hereby agree as follows:

1. STANDRIDGE shall purchase “Falco” from the CITY for the sum of one dollar ($1.00) and ownership shall pass to STANDRIDGE as of the DATE OF THIS AGREEMENT.

2. STANDRIDGE shall hold CITY harmless and assume all risk of loss and expenses related to the care and maintenance of “Falco” as of the DATE OF THIS AGREEMENT.

3. STANDRIDGE shall, to the fullest extent permitted by law, hold CITY harmless and assume all liability arising out of, connected with, or resulting from the actions of “Falco” as of the DATE OF THIS AGREEMENT.

Executed at Porterville, California, this ______ day of March, 2008.

_____________________________
Richard Standridge, POLICE SERGEANT

_____________________________
Cameron Hamilton, MAYOR
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT  
MARIACHI ACADEMY FOUNDATION – TIME MARCHES ON – 
TRI TRIP DINNER DRIVE THRU

SOURCE: Administrative Services - Purchasing Division

COMMENT: The Mariachi Academy Foundation is requesting approval to hold a tri-trip dinner drive-thru. The event will also include entertainment and music and will be located at Centennial Plaza on Friday, April 5, 2008, from 8 a.m. to 5 p.m. This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended.

The application has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit "A."

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Mariachi Academy Foundation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit "A" of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit "A", map and outside amplifier permit, renewal insurance summary letter.

D.D. Appropriated/Funded C.M. Item No. 9
CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Application date: 2-22-08                      Event date: 4-5-08
Event time: 8am-5pm

Name of Event: Time Marches On Tri Tip Dinner Drive Thru

Sponsoring organization: Mariachi Academy Foundation PHONE # 361-1689
Address: 11645 South Orange Belt Drive
Authorized representative: Johnny Orduno PHONE # 361-1689
Address: 11645 South Orange Belt Drive
Event chairperson: Robert Roman PHONE # 920-6481

Location of event (location map must be attached):

Centennial Plaza

Type of event: Public- Entertainment & Food

Nonprofit status determination: EIN: 91-202719

City services requested (an (fees associated with these services will be billed separately)

Barricades (quantity): ________  Street sweeping Yes ______ No ______
Police protection Yes ______ No ______  Refuse pickup Yes ______ No ______
Other: _________________________

Parks facility application required: Yes ______ No ______  Attached ______
Assembly permit required: Yes ______ No ______  Attached ______

STAFF COMMENTS (list special requirements or conditions for event):

Approve Deny

________ __________ Bus Lic Spvr
________ __________ Pub Works Dir
________ __________ Comm Dev Dir
________ __________ Field Svcs Mgr
________ __________ Fire Chief
________ __________ Parks Dir
________ __________ Police Chief
________ __________ Deputy City Mgr
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
At least 48" must remain clear on sidewalks for pedestrian traffic.
Do not block any entrance to or exit from buildings.
Area must be accessible to emergency and safety personnel and vehicles.
Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." This original certificate shall be submitted prior to the event.

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permittee, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department call 559.788.1199, or fax information to, 559.788.1313.

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Mariachi Academy Foundation  
(Name of organization)  

(Signature)  

2-22-08  
(Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Time Marches On Tri Tip Dinner Drive Thru**

Sponsoring organization: **Mariachi Academy Foundation**

Location: **Centennial Plaza**  Event date: **4-5-08**  Event time: **8-5**

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

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<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
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<th>Type of Activity</th>
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3 of 4
CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Time Marches On Tri Tip Dinner Drive Thru

Sponsoring organization: Mariachi Academy Foundation

Event date: 4-5-08 Hours: 8am-5pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

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<th>Street Name</th>
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<tr>
<th>Parking lots and spaces</th>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT
MARIACHI ACADEMY FOUNDATION

APRIL 5, 2008

Business License Supervisor:  
S. Perkins

No requirements.

Public Works Director:  
B. Rodriguez

Please provide general clean-up after event. Provide traffic assistance as needed, to insure proper traffic flow.

Community Development Director:  
B. Dunlap

No comment.

Field Services Manager:  
B. Styles

No comment.

Fire Chief:  
M. G. Garcia

No comment.

Parks and Leisure Services Director:  
J. Perrine

Provide specifics on city services and facilities desired. If Centennial Plaza pavilion is to be used a facility reservation and fee is required. Provide and empty trash cans. Provide generator for sound equipment.

Police Chief:  
C. McMillan

Be aware of traffic flow during event.

Deputy City Manager, Interim:  
J.D. Lollis

See attached "Exhibit A", page 2.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Mariachi Academy Foundation  
Event: Time Marches On Tri Trip Dinner Drive Thru  
Event Chairman: Robert Roman  
Location: Centennial Plaza, Main Street  
Date of Event: April 5, 2008  
Time of Event: 8:00 a.m. to 5:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Mariachi Academy Foundation provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as “Additional Insured” against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an “admitted” insurer in the State of California.
This application must be submitted 10 days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant:

   Robert Roman                                          Phone # 920-6481
   16321 Palomino Drive, Springville, CA

2. Address where amplification equipment is to be used:

   Centennial Plaza                                      Phone # N/A

3. Names and addresses of all persons who will use or operate the amplification equipment:

   Robert Roman, Javier Rodriguez, Johnny Orduno, Frank Sanchez
   846 North Main Street Suite #3, Porterville, CA

4. Type of event for which amplification equipment will be used:

   Public Event - Mariachi Groups

5. Dates and hours of operation of amplification equipment:

   Saturday, April 5, 2008  11am-5pm

6. A general description of the sound amplifying equipment to be used:

   5-microphones, 2-speakers, 1-2,000 watt amplifiers
I hereby certify that all statements and answers on this registration form are true and correct.

[Signature]

Applicant

2-22-08

Date

[Signature]

Chief of Police

2-27-08

Date

Section 18-14 City Ordinance Outside Amplifiers; permit required.
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any loud-speaker or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, without having first procured a permit from the Chief of Police.

Section 18-9 City Ordinance, Radios, record players, etc.
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, juke box, record player, loudspeaker musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

California Penal Code Section 415
Any person who maliciously and willfully disturbs another person by loud and unreasonable noise, is guilty of a misdemeanor.

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

cc:


3/27/01
August 15, 2007

Linda Camarena
Mariachi Academy for
P.O. Box 2011
Porterville CA 93257

Re: General & Liquor Liability Insurance
#SCP 059981

Dear Linda:

It's that time of year again! Accompanying this letter is an updated summary of coverage for your above captioned package policy with the Western Heritage Ins Co, due to expire on 09/13/07. In order to renew your coverage properly we need your approval and deposit premium of $907.28 or full annual premium of $2,660.03. In the past you have paid in full but still have a monthly pay option.

Please take a moment to review the attached summary with special attention to the four (4) additional insured listed on renewal. If we need to delete or add some, please let us know.

If you have a question or wish to discuss your coverage feel free to contact me or Lloyd anytime.

Thank you for the opportunity to be of service. Your business is very important to us.

Sincerely,

[Signature]

Bill Armor
Commercial Lines Manager

Enclosure
August 16, 2007

Insured: Mariachi Academy for Performing Arts Foundation
c/o Linda Camarena
P.O. Box 2011
Porterville, CA 93258

RENEWAL INSURANCE SUMMARY
Policy Dates 9/13/07-08

GENERAL LIABILITY COVERAGE:

General Aggregate Limit $1,000,000
Products & Completed Operation $1,000,000
Personal & Advertising Injury $1,000,000
Each Occurrence $1,000,000
Fire Damage Limit (any one fire) $100,000
Liquor Liability $1,000,000
Medical Expense (any one person) $5,000

Some Policy Exclusions:

Total Pollution, Punitive Damages, Asbestos, Silica Dust, Toxic Substance,
Aircraft, Auto, Watercraft, Lead Based Paint, Nuclear Energy Liability,
Hazardous Materials, Employment Related Practices, Fungi, & Virus Bacteria,
War or Terrorism, Professional Services.

PERMIUM:

Premium $1,187.00
Liquor Liability $750.00
Additional Insured’s $400.00
Policy Fee & Taxes $223.03
Broker Fee (Turner & Associates) $100.00
Total Premium $2,660.03

DISCLAIMER: This form is for illustration purposes only. For exact terms &
conditions, please refer to the proper policy forms.
COMMENTS & RECOMMENDATIONS

#1)  This renewal quote has been provided by Western Heritage Insurance Company through Pacific Coast E & S. They are a non-admitted insurance carrier for the State of California and have a Best's Key rating of A+.

#2)  In order to issue renewal as quoted, we will need the following original Forms returned to our office:

   a) Total premium as quoted, or, down payment of $907.28 with balance due by 9/15/07. Please make check payable to Turner & Associates Insurance.

   b) Signed terrorism rejection form, attached. Signed application, attached. Bill financed, please sign agreement attached.

#3)  Additional Insured’s listed on policy as follows:

   Porterville USD – Tulare County Fairgrounds, Porterville Fair and Moon Broadcasting. PLEASE CONFIRM.
COUNCIL AGENDA: MARCH 18, 2007

SUBJECT: APPROVAL OF STREET CLOSURE FOR ‘MUSIC ON MAIN STREET’ EVENTS

SOURCE: PARKS & LEISURE SERVICES DEPARTMENT

COMMENT: The Parks & Leisure Services Department is facilitating the spring season series of ‘Music on Main Street’ events on Friday evenings April through June. The venue for the community musical entertainment is Centennial Plaza. The Porterville Chamber of Commerce is scheduling the musical performances and organizing additional activities to enhance the events.

A portion of this effort includes the solicitation and set up of craft and art vendors on selected evenings. The desire and expectation of the Chamber of Commerce is to utilize Cleveland Avenue east of Main Street for vendor displays. The closure of the street to vehicular traffic is required to accommodate this activity. Typical closure will be from Main to the alley from 5:15 PM to 8:30 PM. Staff requests the authorization for Parks & Leisure staff to close the street further east to Second Street along with closure of the alley between Thurman and Cleveland in the event that special activities requiring additional space are scheduled.

RECOMMENDATION: That the City Council authorize the Parks & Leisure Services Department to sign Cleveland Avenue from Main Street east to Second Street along with the alley from Thurman to Cleveland for ‘No-Parking’, and to close the same portions of the street and alley to vehicular traffic from the hours of 5:15 PM to 8:30 PM each Friday evening from April 4, 2008 through June 27, 2008.
SUBJECT: RESOLUTION UNANIMOUSLY APPROVING THE PORTERVILLE 2030 GENERAL PLAN

SOURCE: ADMINISTRATION

COMMENT: At its regular meeting of March 4, 2008, the Porterville City Council voted to approve the 2030 General Plan. Because of an unavoidable scheduling conflict, Mayor Hamilton was unable to attend this meeting. In light of the significance of this item, a request was made to provide the entire Council an opportunity to participate in the action. In this regard, staff has prepared for Council consideration a draft resolution unanimously approving the Porterville 2030 General Plan.

RECOMMENDATION: That the City Council approve the draft resolution as presented.

Attachment: Draft resolution

Item No. 11
RESOLUTION NO. ______-2008

A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF PORTERVILLE
UNANIMOUSLY APPROVING THE PORTERVILLE 2030 GENERAL PLAN

WHEREAS, updating the City’s General Plan has been a significant undertaking and is of great importance to the citizens in providing a comprehensive framework for the City of Porterville’s growth into the future;

WHEREAS, the City Council, at its regular meeting of March 4, 2008, completed its deliberations and approved the Porterville 2030 General Plan;

WHEREAS, due to an unavoidable scheduling conflict, Mayor Hamilton was unable to attend the meeting of March 4, 2008, and therefore did not participate in the Council’s approval of the item;

WHEREAS, in light of the significance of the Council’s action, it is the Council’s desire to provide the entire City Council the opportunity to participate in voting on the 2030 General Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby grants its unanimous approval of the Porterville 2030 General Plan.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________________________
By: Patrice Hildreth, Chief Deputy
SUBJECT: SECOND READING – ORDINANCE 1737, CLAIMS AGAINST THE CITY

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: Ordinance No. 1737, Amending Section 1-19 of the Porterville Municipal Code Regarding the Filing of Claims Against the City, was given First Reading on March 4, 2008, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1737, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1737

Item No. 12

[Signatures]
ORDINANCE NO. 1737

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 1-19 OF CHAPTER I OF THE PORTERVILLE
MUNICIPAL CODE REGARDING CLAIMS AGAINST THE CITY

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

Section 1. Code Amendment. Chapter I, Section 1-19 of the Porterville Municipal Code is hereby amended to read as follows:

Section 1-19 Claims

A. Authority

This ordinance is enacted pursuant to Section 935 of the California Government Code.

B. Claims Required

All claims against the city for money or damages not otherwise governed by the Government Claims Act, California Government Code Section 900 et seq., or another state law (hereinafter in this ordinance, “claims”) shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this ordinance.

C. Form of Claim

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

D. Claim Prerequisite to Suit

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon the city prior to the filing of any action on such claims and
no such action may be maintained by a person who has not complied with the requirements of subdivision (b) of this section.

E. Suit

Any action brought against the city upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the city shall conform with the requirements of Section 950-951 of the California Government Code.

Section 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. Effective Date; Transitional Cause. This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12. However, any claim that would have been timely if presented on the day before this Ordinance becomes effective which claim would be untimely under the requirements of this Ordinance may, notwithstanding this Ordinance, be presented not later than the 45th day after the adoption of this Ordinance.

Section 4. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ___ day of March, 2008.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy
SUBJECT: HERITAGE COMMUNITY CENTER COST SHARE SETTLEMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On March 7, 2000, City Council authorized staff to proceed with development of a cost-sharing agreement with Porterville Unified School District (PUSD) for shared costs associated with construction of the Neighborhood Community Center (Heritage Community Center) and Santa Fe Elementary School. The sharing of costs afforded the City with the use of PUSD’s 12,000 square foot multi-use/gymnasium building and, in return, PUSD received use of the Heritage Center’s library and computer laboratory. Both facilities share parking and open space recreational area.

A summary of the cost components included in the cost-sharing for the project is provided in detail in Attachment No. 1. The costs incurred by the City include:

- Site preparation - Grading plan for the entire site
- Environmental preparation for piping of Porter Slough
- Biological assessment – Wetlands and Elderberry mitigation
- Construction of the Heritage Center
- Street improvements (including Locust Street, Howard Street, and Orange Avenue)
- City cost - $4,323,350
- School benefit - $1,503,971

Costs incurred by PUSD include:

- Site acquisition
- Piping of Porter Slough
- Site preparation (including grading of the entire site, utility trenching, and fencing
- Construction of the Multi-use/gymnasium building
- Construction of an amphitheater
- School cost - $3,565,971
- City benefit - $1,540,544

The finalizing of the cost-sharing and settlement was delayed as the City worked through the mitigation measures that allowed for the removal of elderberry shrubs located on the site. Those mitigation costs have been determined and a final accounting for the settlement is detailed in
Attachment No. 2. The costs to be reimbursed to the City from PUSD are as follows:

- Environmental for piping Porter Slough
- Wetland and Elderberry mitigation
- Mitigation site costs
- Environmental preparation for Heritage Center/Santa Fe site
- Environmental preparation for street projects
- Reimbursable to City - $64,764

The costs to be reimbursed to PUSD from the City are as follows:

- Piping of Porter Slough, including trash rack fabrication and installation
- Vibro-compaction for building pads
- Fencing
- Utility trenching
- Additional electrical wiring
- Additional storm drain installation
- Reimbursable to PUSD - $241,192

The balance due to PUSD from the City is $176,428.

Section 108 funds in the amount of $245,000 were reserved for the reimbursement to PUSD for actual costs incurred during construction. After payment of the settlement to PUSD, the remaining $68,572 should be allocated to capital projects at the Heritage Center.

RECOMMENDATION: That City Council:

1) Approve the cost-share settlement and authorize staff to reimburse to Porterville Unified School District $176,428 for costs incurred as part of the Porterville Heritage Community Center/Santa Fe Elementary School project and;

2) Allocate the remaining $68,572 to capital projects at the Heritage Center.

Attachments: Attachment 1: Cost Share Calculation
Attachment 2: Cost Share Settlement Calculation
## COST SHARE CALCULATION

<table>
<thead>
<tr>
<th>Construction</th>
<th>Total Cost Estimate</th>
<th>City Funded</th>
<th>PUSD Funded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$7,885,320</td>
<td>$2,956,054</td>
<td>$1,503,971</td>
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<tr>
<td>Land Acquisition</td>
<td>$760,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 acre site</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School 8.44 acres (8.44/25=34%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City 16.56 acres (16.56/25=66%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ditch Piping</td>
<td>Schools $342,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ditch Piping Environmental</td>
<td>City $3,021</td>
<td>$2,250</td>
<td>$773</td>
</tr>
<tr>
<td>Trash Racks</td>
<td>City $21,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Preparation</td>
<td>City $324,724</td>
<td>$2,775</td>
<td>$1,388</td>
</tr>
<tr>
<td>Grading Plan - Winton &amp; Asso.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballast Grading - Performed by Bush</td>
<td>Schools $6,116</td>
<td>$2,775</td>
<td>$1,388</td>
</tr>
<tr>
<td>Vibrone-compaction - Performed by Bush</td>
<td>City $468,980</td>
<td>$324,724</td>
<td>$187,752</td>
</tr>
<tr>
<td>Paving</td>
<td>City $3,354</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fencing</td>
<td>Schools $3,354</td>
<td>$3,354</td>
<td></td>
</tr>
<tr>
<td>Utility Trenching</td>
<td>City $30,000</td>
<td>$16,425</td>
<td>$16,425</td>
</tr>
<tr>
<td>Electrical</td>
<td>Schools $32,850</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Biological Assessment
- Wetlands and Elderberry Mitigation
  - Live Oak Contract | City $17,000 | $17,000 | $11,050 |
  - Heritage Center/Santa Fe School Site | City $24,398 | $24,398 | $12,199 |
  - Orange Ave/S. Main - Plano | City $1,498 | $1,498 | $748 |

### Storm Drain
- Storm Drain | City $2,781,029 | $2,781,029 | $852,819 |
- Additional storm drain line | Schools $4,873 | $4,873 | $4,873 |

### Multipurpose Building
- Interior & Furnishings | City $200,000 | $200,000 | $200,000 |
- Multipurpose Building | City $1,500,000 | $1,500,000 | $800,000 |

### Parking - 75 spaces

### Amphitheater
- Amphitheater | Schools $80,000 | $80,000 | $80,000 |

### Water Line
- Water Line | City $105,000 | $105,000 | $105,000 |

### Locust Street Improvements
- Locust Street Improvements | City $1,000,000 | $1,000,000 | $400,000 |

### Howard Street Improvements
- Howard Street Improvements | City $105,000 | $105,000 | $105,000 |

### Orange Avenue Improvements
- Orange Avenue Improvements | City $80,000 | $80,000 | $80,000 |

**Date Revised: 02/01/08**

---

**ATTACHMENT 1**

File: excel/incc/cost share 020108.xls
<table>
<thead>
<tr>
<th>Item</th>
<th>CITY Funding</th>
<th>PUSD Benefit</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ditch Piping Environmental</td>
<td>$3,023</td>
<td>$2,267</td>
<td>During initial discussions City agreed to pay 25% of cost. Balance at the expense of PUSD</td>
</tr>
<tr>
<td>Wetland and Elderberry Mitigation</td>
<td>$17,900</td>
<td>$11,050</td>
<td>Live Oak Contract - split per contract</td>
</tr>
<tr>
<td>Mitigation Site Costs</td>
<td>$137,729</td>
<td>$38,500</td>
<td>Split based on Environmental Assessment/# of Elderberry units</td>
</tr>
<tr>
<td>Environmental Preparation - Heritage Center/Santa Fe School site</td>
<td>$24,398</td>
<td>$12,199</td>
<td>Environmental required by both entities. Staff time per payroll records. 50% split</td>
</tr>
<tr>
<td>Environmental Preparation - Orange Avenue/S. Main St</td>
<td>$1,496</td>
<td>$748</td>
<td>Environmental required by both entities. Staff time per payroll records. 50% split</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$184,546</td>
<td>$64,764</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>PUSD Funding</th>
<th>CITY Benefit</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ditch Piping</td>
<td>$342,400</td>
<td>$85,600</td>
<td>During initial discussions City agreed to pay 25% of cost</td>
</tr>
<tr>
<td>Trash Racks at Ditch</td>
<td>$21,200</td>
<td>$21,200</td>
<td>City agreed to pay 100% of cost</td>
</tr>
<tr>
<td>Vibro-Compaction</td>
<td>$466,980</td>
<td>$79,700</td>
<td>City's actual cost per invoice</td>
</tr>
<tr>
<td>Fencing</td>
<td>$3,394</td>
<td>$3,394</td>
<td>City's actual cost per invoice</td>
</tr>
<tr>
<td>Utility Trenching</td>
<td>$30,000</td>
<td>$30,000</td>
<td>City agreed to pay 100% of cost</td>
</tr>
<tr>
<td>Electrical</td>
<td>$32,850</td>
<td>$16,425</td>
<td>City agreed to pay 50% of cost</td>
</tr>
<tr>
<td>Additional Storm Drain Line</td>
<td>$4,873</td>
<td>$4,873</td>
<td>City agreed to pay 100% of cost</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$901,697</td>
<td>$241,192</td>
<td></td>
</tr>
</tbody>
</table>

**CITY TO REIMBURSE PUSD**

**SCHOOL TO REIMBURSE CITY**

**BALANCE DUE FROM CITY TO PUSD**

$241,192

$64,764

$176,428

Attachment 2
SUBJECT: RE-VISITING CITY'S SEWER CONNECTION POLICY

SOURCE: Public Works Department - Engineering Division

COMMENT: Comment was provided to the City Council on February 18, 2008 and again on March 4, 2008 regarding the City’s Sewer connection policy. Specifically, under what conditions a property owner is allowed to install a septic tank. As presented to Council, the City of Porterville requires that a property owner extend and connect to City sewer if the sewer main is within 1,320' of the property. The City Council asked that Public Works determine what other Valley cities charge to connect to their City sewer. The results are as follows:

<table>
<thead>
<tr>
<th>City</th>
<th>Sewer Connection Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville</td>
<td>$3,800</td>
</tr>
<tr>
<td>Delano</td>
<td>Information not available</td>
</tr>
<tr>
<td>Dinuba</td>
<td>$4,000</td>
</tr>
<tr>
<td>Hanford</td>
<td>$1,782</td>
</tr>
<tr>
<td>Tulare</td>
<td>Information not available</td>
</tr>
<tr>
<td>Visalia</td>
<td>Information not available</td>
</tr>
</tbody>
</table>

At the February 18 Council meeting, Public Works verbally informed the Council that the distance requirement was not the only requirement codified in Resolution No. 9853. Other requirements include:

1) Property must be at least 12,500 s.f. if the property is served by City water or must be at least one acre if property has a well.

2) The property must be at least 1,320' from nearest City sewer main.

3) A septic tank cannot be installed if the area has at least 3 single family homes within a 500' radius.

4) A septic tank cannot be installed in an area that is zoned Low Density Single Family or within a fully developed residential area.

5) A property owner must receive authorization to install a septic tank from the City Council.

Item No. 14
6) A property owner must submit a soils report with engineering calculations detailing the septic system. Said calculations must be approved by the Department of Health Services who take into account the area development and location of existing wells.

At this time there are three obvious options that the City Council may consider.

Option A: Continue with the City’s current policy, which would require that Mr. Ramos extend and connect to City sewer.

Option B: Reduce the distance requirement knowing that most if not all of the above noted conditions will be unattainable and therefore moot.

Option C: Appoint a committee composed of the Deputy City Manager, Public Works Director, City Engineer and two Councilmen. The Committee’s charge will be to define a new Sewer Connection Policy that incorporates some or none of the previous policy components. The new policy will be brought before the full Council for review and discussion.

RECOMMENDATION: That the City Council:

1. Take no action at this meeting on Mr. Ramos request for a waiver of the City’s current sewer connection policy;

2. Select one of the three options presented in staff’s report and direct Public Works to implement said direction; and

3. If “Option C” is selected, appoint two Councilmen to serve on the Sewer Connection Policy Development Committee. Direct the Committee to prepare new guidelines and bring back said guidelines to the City Council for full review and discussion on April 15, 2008.
COUNCIL AGENDA: MARCH 18, 2008

SUBJECT: CIEDB WATER LOAN – PROJECTS TO BE FUNDED

SOURCE: Public Works Department - Engineering Division

COMMENT: On March 14, 2008, staff will meet with the California Infrastructure and Economic Development Bank (CIEDB) to discuss the City’s loan application to construct various water related capital projects.

In February 2007, the City submitted 5 projects totaling $9,000,000 for the CIEDB's consideration. The 5 projects are as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Martin Hill 3MG Reservoir</td>
<td>$3,485,000</td>
</tr>
<tr>
<td>2. Rocky Hill 550K Reservoir</td>
<td>$1,780,000</td>
</tr>
<tr>
<td>3. Ag Well Conversion</td>
<td>$ 950,000</td>
</tr>
<tr>
<td>4. Surface Water Treatment Facility</td>
<td>$2,725,000</td>
</tr>
</tbody>
</table>

Recent development or lack of development related to the Success Dam Remediation project strongly suggests that constructing the surface water treatment facility may not be appropriate at this time. Discussions with the Corps of Engineers put the remediation completion date somewhere between 3 to 5 years but this number appears to be in flux. Until the dam has been seismically corrected and the spillway raised, it is very unlikely that there will be any surface water available to treat and inject into the City’s water system.

Staff suggests that construction of the Surface Water Treatment Facility be removed from the loan application and that a “watershed characterization” report be substituted in place of the physical treatment plant. The watershed characterization report is one of the first reports that must be completed to show the Department of Health Services and other regulating agencies that raw lake water can be treated and surrounding watershed areas mitigated so that surface water can be used as potable water.
In addition, staff recommends that a major water transport trunk line and booster pump be constructed along Morton Avenue from Westwood to Newcomb. The purpose of the trunk line is to move water from our west pressure zone to our central pressure zone. The booster pump will be located at Veteran’s Park and will “boost” the pressure so that the water can be injected into the central zone. Both projects total approximately $1,300,000 less than the originally proposed surface water treatment facility. The new CIEDB Water Loan Project Proposal is as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Martin Hill 3MG Reservoir</td>
<td>$3,485,000</td>
</tr>
<tr>
<td>2. Rocky Hill 550K Reservoir</td>
<td>$1,780,000</td>
</tr>
<tr>
<td>3. Ag Well Conversion</td>
<td>$ 950,000</td>
</tr>
<tr>
<td>4. Morton Water Trunk Line w/Booster Pump</td>
<td>$1,085,000</td>
</tr>
<tr>
<td>5. Watershed Characterization</td>
<td>$ 330,000</td>
</tr>
</tbody>
</table>

RECOMMENDATION: That the City Council:

1. Affirm that it is still interested in securing a CIEDB water loan;

2. Affirm that the five projects proposed by staff are the projects Council is interested in constructing; and

3. Direct the Public Works Director to continue meeting with the CIEDB in an effort to secure property purchase costs, design, construction management and construction costs as allowed by CIEDB policy.
SUBJECT: APPROVAL OF FINANCIAL SUPPORT FOR THE COUNCIL OF CITIES IN THE RETENTION OF LEGAL SERVICES IN CONNECTION WITH THE COUNTY OF TULARE'S GENERAL PLAN

SOURCE: Administration

COMMENT: At its meeting in the City of Dinuba on February 20, 2008, action was taken by the Council of Cities that legal services be retained on the behalf of the Council of Cities to provide comment to the County of Tulare in connection with their General Plan, including providing comment on the environmental impact report prepared for the County General Plan. At a combined expense not to exceed $25,000, it was decided that each City should contribute according to its percentage of the total incorporated population of the County. Pursuant to TCAG population estimates as of January 2007, the city of Porterville constitutes 18.06% of the County’s incorporated population, which translates to the City of Porterville responsibility of $4,516.04 of the $25,000 expense (please see attached allocation schedule).

RECOMMENDATION: That the City Council approve the commitment of financial support in the amount of $4,516.04 for the Council of Cities in the retention of legal services in connection with the County of Tulare’s General Plan, and authorize a budget adjustment of the same amount from prior year carryover.

ATTACHMENT: Attorney Allocation for Tulare County General Plan Review
### Attorney allocation for Tulare County General Plan review

<table>
<thead>
<tr>
<th>Agency</th>
<th>Population January 2007</th>
<th>Percentage</th>
<th>Member Allocation</th>
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</thead>
<tbody>
<tr>
<td>Dinuba</td>
<td>20,002</td>
<td>7.02%</td>
<td>$1,755.10</td>
</tr>
<tr>
<td>Exeter</td>
<td>10,730</td>
<td>3.77%</td>
<td>$941.52</td>
</tr>
<tr>
<td>Farmersville</td>
<td>10,466</td>
<td>3.67%</td>
<td>$918.35</td>
</tr>
<tr>
<td>Lindsay</td>
<td>11,174</td>
<td>3.92%</td>
<td>$980.48</td>
</tr>
<tr>
<td>Porterville</td>
<td>51,467</td>
<td>18.06%</td>
<td>$4,516.04</td>
</tr>
<tr>
<td>Tulare</td>
<td>55,935</td>
<td>19.63%</td>
<td>$4,908.09</td>
</tr>
<tr>
<td>Visalia</td>
<td>117,744</td>
<td>41.33%</td>
<td>$10,331.61</td>
</tr>
<tr>
<td>Woodlake</td>
<td>7,394</td>
<td>2.60%</td>
<td>$648.80</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>284,912</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>$25,000.00</strong></td>
</tr>
</tbody>
</table>
REDEVELOPMENT AGENCY AGENDA: MARCH 18, 2008

SUBJECT: AUTHORIZATION TO UTILIZE CITY'S AGREEMENT FOR "ON-CALL SERVICES" FOR FINANCIAL FEASIBILITY AND ANALYSIS SERVICES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On March 4, 2008 City Council approved an "On-Call Services" Agreement with Rosenow Spevacek Group Inc. (RSG) for Financial Feasibility and Analysis of the Porterville Hotel Project and other projects as needed. At this time, staff is requesting authorization for the Redevelopment Agency to utilize the City’s “On-Call Services” Agreement for Redevelopment projects.

The immediate need for these services is for the fiscal analysis for the recently approved refinancing of the Redevelopment bonds. The cost of the services related to the refinancing of the Redevelopment bonds will be reimbursed from the bond administration account and any services rendered for other Redevelopment projects will be charged to those projects.

RECOMMENDATION: That the Redevelopment Agency:

1. Authorize staff to utilize the City’s “On-Call Services” Agreement with Rosenow Spevacek Group, Inc. for financial feasibility and analysis services for Redevelopment projects;

2. Authorize the Executive Director to approve each “on-call” Redevelopment Project Work Directive; and

3. Authorize the Executive Director to approve payment for Redevelopment “on-call services” from the appropriate Redevelopment project account.

D.D. Appropriated/Funded
C.M._

Item No. PRA-1