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
- Larry Newby, 418 North Kanai Drive, came forward to speak in regards to Item A-5 of Closed Session, and voiced support for approving the proposal.

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

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

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation -- One individual participated

PRESENTATIONS
Employee of the Month – Janet Uresti
City Manager’s Featured Project

ORAL COMMUNICATIONS
- Samantha Mesker, 286 W. Date, with Porterville A.S.A. Fast Pitch, introduced the organization’s Board Members and spoke in favor of strong, open communication between the
City and the League Board to avoid the circumstances of the prior year. She then spoke of the unsafe conditions of the fields and requested assistance.

- Gary Giraudi, 100 S. Westwood., spoke of the 10th Annual Iris Festival (Item No. 24) and of its world-wide draw, and thanked the Council for their continued support.
- Greg Shelton, 888 N. Williford Dr., spoke in regards to Item No. 36 and informed Council that he would be available to answer questions.
- Martha Alcazar Flores, Frugal Fashions, 461 N. Main St., Hispanic Chamber of Commerce, came forward to extend an invitation to the Chamber’s mixer, to be held at Charlie’s Pizza Kitchen on February 21st at 5:30 p.m.
- Donnette Silva Carter, 93 N. Main St., Porterville Chamber of Commerce, came forward to speak about a cooperative project between the Chamber and the Police Department to establish a reward fund to address the issue of stolen vehicles in the city; and announced that Porterville Electric had made the first donation to the fund in the amount of $1,000.00.

**CONSENT CALENDAR**

Item No. 15 was removed by staff and continued to the next City Council Meeting. Items 2, 8, 18, 23, 24 and 27 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF NOVEMBER 6, 2007**

   Recommendation: That the City Council accept the minutes of November 6, 2007.

   Documentation: M.O. 01-021908
   Disposition: Approved

3. **CLAIM – EL FUTURO CREDIT UNION**

   Recommendation: Staff recommends that Council:
   1. Approve settlement of the building portion of the claim in the amount of $34,478.94;
   2. Authorize the City’s Claims Adjustor to make payment to Claimant in the amount of $34,478.94 for the building portion of the claim; and
   3. Direct the City Clerk to provide proper notification to the Claimant.

   Documentation: M.O. 02-021908
   Disposition: Approved

4. **CLAIM – LORENA ESPINOSA LEMUS**

   Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

   Documentation: M.O. 03-021908
   Disposition: Approved
5. CLAIM – MICHAEL FRIESEN

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 04-021908
Disposition: Approved

6. CLAIM – RUDOLPH MULLINS

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 05-021908
Disposition: Approved

7. CLAIM – STEPHEN MINNICK

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 06-021908
Disposition: Approved

9. AUTHORIZATION TO ADVERTISE FOR BIDS – NEWCOMB STREET SHOULDER STABILIZATION PROJECT

Documentation: That the City Council:
1. Approve Staff’s recommended plans and project manual; and
2. Authorize Staff to advertise for bids on the project.

Documentation: M.O. 07-021908

10. AUTHORIZATION TO PARTICIPATE FINANCIALLY WITH ENNIS COMMERCIAL PROPERTIES, LLC – RIVERWALK MARKETPLACE OFF-SITE LANDSCAPE IMPROVEMENTS

Recommendation: That City Council:
1. Authorize the City to participate with Ennis Commercial Properties, LLC in the State Route 190 Landscape and Irrigation Project;
2. Authorize the City to pay ECP an amount of $31,768 upon proof of payment by ECP to Rainscape;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 10% contingency to cover unforeseen construction costs, and 6% for staff time and construction engineering.

Documentation: M.O. 08-021908
Disposition: Approved

11. AWARD OF CONTRACT – MATHEW AND WESTFIELD STORM DRAIN PROJECT

Recommendation: That City Council:
1. Award the Mathew and Westfield Storm Drain Project to Montes Pacific Engineering in the amount of $16,372.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and 5% for staff time and construction engineering.

Documentation: M.O. 09-021908
Disposition: Approved

12. AWARD OF CONTRACT – SCREENING AND GRIT TOWER EQUIPMENT UPGRADE 2007 PROJECT

Recommendation: That the City Council:
1. Award the Screening and Grit Equipment Upgrade Project to Smith Construction in the amount of $973,228;
2. Authorize a 10% contingency to cover unforeseen construction costs and authorize an additional $10,000 to cover construction management costs;
3. Authorize the Finance Director to make a budget adjustment in the amount of $1,080,550 from the WWTF Capital Reserve fund to the FY 2007/2008 budget; and
4. Authorize staff to make progress payments up to 90% of the contract amount.

Documentation: M.O. 10-021908
Disposition: Approved

13. AWARD CONTRACT – AUTOMATIC SELF-CLEANING WATER FILTER

Recommendation: That Council award the contract for an automatic self-cleaning water filter to Orival, Inc., of Englewood, NJ, in the amount of $8,925.88. Further, that Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 11-021908
Disposition: Approved
14. AUTHORIZATION TO NEGOTIATE CONTRACT FOR PLANNING OF ENTREPRENEURIAL TRAINING MARKET ANALYSIS

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with Chabin Concepts for the analysis of market and industry trends for planning of entrepreneurial training and business incubator assessment, with fees for services not to exceed those rates quoted in the proposal;
2. Authorize staff to negotiate a contract with the next highest ranked firm (MuniServices, LLC) in the event a contract cannot be negotiated with Chabin Concepts;
3. Authorize the Mayor to sign all contract documents; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Documentation: M.O. 12-021908
Disposition: Approved

16. EXTENSION OF TIME – TENTATIVE PARCEL MAP 6-2005

Recommendation: That the City Council adopt the draft resolution approving a two (2) year extension of time for TPM 6-2005 Tentative Parcel Map.

Documentation: Resolution 07-2008
Disposition: Approved

17. REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY


Documentation: M.O. 13-021908
Disposition: Approved

19. STREETS PERFORMANCE MEASURE QUARTERLY UPDATE

Recommendation: Information Only

20. INFORMATIONAL UPDATE REGARDING OFF HIGHWAY MOTOR VEHICLE STATE RECREATION GRANTS

Recommendation: Information Only

21. AIRPORT LEASE RENEWAL – LOT 44B

Recommendation: That the Council approve the extension of the Lease Agreement between the
City of Porterville and Mr. Albert Quatacker of Porterville for Lot 44B at the Porterville Municipal Airport.

Documentation: M.O. 14-021908
Disposition: Approved

22. CITY TRANSIT ANALYSIS AND REQUEST FOR MODIFICATIONS TO DEMAND-RESPONSE SYSTEM

Recommendation: That the City Council:
1. Reduce the current Demand-Response operating hours to coincide with Fixed Route operating hours;
2. Authorize staff to advertise the availability of the Demand-Response system to the general public through the process of a “waiting list” giving preference to Seniors and ADA passengers, with said service beginning February 22, 2008;
3. Establish a fare for General Ridership at $3.00 per ride; and
4. Authorize staff to join other transit agencies and request TCAG consider implementing a 15% farebox ratio, rather than the 20% currently required.

Documentation: M.O. 15-021908
Disposition: Approved

25. CONSIDERATION OF PROPOSED 2008-2009 FISCAL YEAR BUDGET CALENDAR

Recommendation: That the City Council consider and approve the proposed budget calendar for the 2008-2009 Fiscal Year.

Documentation: M.O. 16-021908
Disposition: Approved

26. PROPOSED CHANGES IN THE TABLE OF ORGANIZATION WITHIN BOTH THE POLICE AND PUBLIC WORKS DEPARTMENTS

Recommendation: That the City Council:
1. Adopt the proposed draft Resolutions authorizing a change in the Table of Organizations and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan;
2. Authorize the establishment of a Deputy Public Works Director/City Engineer classification at salary range 236 ($6,896-$8,416), and Assistant City Engineer classification at salary range 224 ($6,119-$7,469), and Construction/Project Manager classification at salary range 203 ($4,964-$6,059), effective upon the successful recruitment of an Assistant City Engineer, and modifying the Classification Plan; and
3. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution 08-2008
Resolution 09-2008

Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve Items 1, 3-7, 9-14, 16, 17, 19-22, 25 and 26. The motion carried unanimously.

2. LEAVE TO FILE LATE CLAIM – EL FUTURO CREDIT UNION

Recommendation: Staff recommends that the Council deny said Application for Leave to Present a Late Claim related to the contents portion of the claim; and direct the City Clerk to give the Claimant proper notification.

City Manager John Longley introduced the item. Deputy City Manager John Lollis notified the Council that the staff recommendation had been changed to accept the late claim.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept the Application for Leave to Present a Late Claim related to the contents portion of the claim. The motion carried unanimously.

Disposition: Approved, as amended.

8. BUDGET ADJUSTMENTS FOR THE 2007-08 FISCAL YEAR

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

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

Council Member Hernandez asked if the donation to the library from the Muir Living Trust was a one-time donation, or one that would occur on an annual basis; and whether the reason for the contribution was known. Deputy City Manager Lollis answered that it was a one-time donation, and Parks and Leisure Services Director Jim Perrine responded that Mr. Muir had named a number of organizations and educational facilities in the community and nation in his trust. Council Member Hernandez suggested that Mr. Muir’s generosity be remembered in any future dedications to the library.
COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve the proposed budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the presented schedule. The motion carried unanimously.

Disposition: Approved

18. CODE ENFORCEMENT UPDATE

Recommendation: For Information Only

City Manager Longley introduced the item, and Fire Chief Mario Garcia presented the staff report.

Council Member Pedro Martinez stated that he looked forward to seeing an additional Code Enforcement officer on staff, and liked that compliance was being sought prior to the issuance of fines.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept the update. The motion carried unanimously.

Disposition: Approved

23. APPROVE CONCESSION LICENSE WITH PORTERVILLE ASA FAST PITCH

Recommendation: Contingent upon full payment of the Hayes Field lighting fees for 2007, that the City Council approve the Hayes Field Concession License Agreement between Porterville ASA Fast Pitch and the City of Porterville, and authorize and direct the Mayor to sign the Agreement once the debt is paid.

City Manager Longley introduced the item.

Council Member Hernandez inquired about the condition of the fields and for an update on the fees that had yet to be paid. Parks & Leisure Services Director Perrine updated Council on the progress being made to ready the fields for play, and of communications with ASA Fast Pitch regarding payment of fees due to the City.

Council Member Pedro Martinez asked if efforts made to maintain the fields could be coordinated with ASA and similar groups. Parks & Leisure Services Director Perrine replied that there has been communication with ASA representatives about the field and that their participation was welcomed by the City.

Council Member Pedro Martinez asked if there were any future plans to develop softball fields, since the areas being used were not meant for that purpose. City Manager Longley
responded that there was a Capital Program being considered by the City that included the development of a softball complex.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve the Hayes Field Concession License Agreement between Porterville ASA Fast Pitch and the City of Porterville, contingent upon full payment of the Hayes Field lighting fees for 2007, and authorize and direct the Mayor to sign the Agreement once the debt is paid. The motion carried unanimously.

Disposition: Approved

24. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – IRIS FESTIVAL, APRIL 26, 2008

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms.

City Manager Longley presented the item.

Council Member Pedro Martinez congratulated the Porterville Chamber of Commerce for the success of this event and thanked them for their hard work.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms. The motion carried unanimously.

Disposition: Approved

27. CONSIDERATION OF SUPPORT FOR THE COUNCIL OF CITIES DISCUSSION PAPERS ON COUNTY-WIDE REVENUE SHARING AND COUNTY DEVELOPMENT IMPACT FEES

Recommendation: That the City Council consider the support for the Council of Cities discussion papers on County-wide revenue sharing and County Development Impact Fees.

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

Council Member Pedro Martinez asked if the Board of Supervisors had taken a position on
the issue, to which Mr. Lollis responded that he believed they had not. Council Member Pedro Martinez stated that it was important to consider the interests of all cities and avoid entering into a relationship where cities are played against each other. Deputy City Manager Lollis noted that there was a commitment on the part of the current chair to engage the cities in some of the issues.

Mayor Pro Tem Felipe Martinez stated the City of Porterville provided library services to smaller surrounding cities without compensation, and that the drive behind the County’s efforts were economic.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council support the Council of Cities discussion papers on County-wide revenue sharing and County Development Impact Fees. The motion carried unanimously.

Disposition: Approved

**PUBLIC HEARINGS**

28. CONTINUED – MODIFICATION #1 TO CONDITIONAL USE PERMIT 5-2007 SEAFOOD CAFÉ/EL REVENTON

Recommendation: That the City Council:

1. Approve the inclusion of conditions #11, #13, and #14; and
2. Approve Conditional Use Permit 5-2007 Modification #1, subject to the revised conditions of approval.

Mayor Hamilton and Mayor Pro Tem Felipe Martinez exited the Chambers due to conflicts of interests.

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

The hearing was re-opened to the public at 8:09 p.m.

- Martha Alcazar Flores, 249 S. Indiana, spoke in favor of the modifications, and commended the efforts of City staff and the Council to address the issues with this project.

- Greg Shelton, 888 N. Williford Dr., expressed his concerns with the amount of 911 service calls made to the establishment, relative to similar businesses in the city; and spoke of issues that had yet to be addressed by the applicant.

- Mary McClure, 23149 Joseph Court, spoke about fire suppression, the absence of a fire hydrant at the applicant’s site, and commented on the need for consistency in CUP requirements.

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

Council Member McCracken asked how the applicant was able to obtain an occupancy
permit without meeting all the conditions set forth. Community Development Director Brad Dunlap stated that the circumstance was unusual in that the applicant received a permit to operate a dance floor within an existing restaurant. He explained that it was not new construction and with the minimal extent of building permit issuance requirements, there was no trigger for many on-site and off-site improvements. Mr. Dunlap added that items were missed, primarily as a result of conditions not being worded effectively to tie with the phasing, and that measures had been taken to prevent similar events from happening in the future. He noted that a condition had been added that would require the property owner to complete all phase one conditions.

Council Member McCracken asked if the existing operation was in compliance with the Fire Code. Fire Battalion Chief Blasdell stated that the applicant was in compliance at that time. A brief discussion ensued in regard to the fire flow requirements for Phases One and Two.

Council Member Pedro Martinez asked if the conditions of Phase One and Two were clearly defined and understood by staff and the applicant. Associate Planner Ortiz replied that the Phase One and Phase Two requirements were included in the resolution before Council, which would supersede the original resolution approved on June 5, 2007. Mr. Ortiz added that staff was requesting that Council consider phasing the block wall, at the rear of the property, as development occurred.

Community Development Director Brad Dunlap clarified that the resolution handed out at the meeting contained information that had already been provided to Council, but was put into resolution format.

Council Member Hernandez inquired about the block wall condition. Mr. Dunlap clarified that the block wall was tied to Phase Two based on the conditions of approval, but if there were issues created by the operation of the business that would require revisiting that, the City Council could call up the Use Permit for consideration and modify the conditions of approval.

City Attorney Julia Lew stated that the resolution that was being considered for approval required some additional language to the title to read, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE RECIDING AND REPLACING RESOLUTION NO. 44-2007 CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 5-2007 TO ALLOW THE EXPANSION OF AN EXISTING RESTAURANT WITH LIVE ENTERTAINMENT AND BANQUET FACILITY/DANCEHALL WITH SEPARATE BAR AREAS INTO A PREVIOUSLY UTILIZED BOWLING AREA (FORMERLY OLIVE BOWL) TO BE LOCATED AT 1091 W. OLIVE AVE.” She noted that in addition, any reference to 44-2007 within the new resolution should be amended to reflect the new resolution number.

A motion was made by Council Member Hernandez that the Council approve the resolution rescinding and replacing resolution no. 44-2007, and the revised resolution approving modification no.1 of the conditional use permit.

At the City Manager’s request, the City Attorney explained three affirmative votes were required under the City’s Charter to pass a resolution.
Council Member Pedro Martinez clarified that the Council was considering a modification to the existing floor plan, and that any other changes would be brought before Council for consideration. He proposed a friendly amendment to Council Member Hernandez’s motion that required the applicant to install security cameras. He then seconded the motion. Council Member Hernandez accepted the amendment.

Council Member McCracken proposed a friendly amendment that required all conditions for Phase One be completed within 60 days of the resolution being approved, and that all Phase One requirements be completed prior to the issuance of any additional building permits. The amendment was accepted.

Council Member Pedro Martinez requested that staff notify Council upon the completion of Phase One conditions and the issuance of any building permits.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez, as amended by Council Member Pedro Martinez and further amended by Council Member McCracken that the Council approve the resolution rescinding and replacing Resolution No. 44-2007, the revised Resolution approving Modification No. 1 of the Conditional Use Permit, adding conditions to require all Phase One conditions are met prior to the issuance of any building permits and the installation of security cameras.

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

Disposition: Approved, as amended.

The Council recessed for ten minutes.

29. CONDITIONAL USE PERMIT 1-2008

Recommendation: That the City Council adopt the draft resolution approving the Conditional Use Permit 1-2008 subject to conditions of approval.

City Manager Longley introduced the item, and City Planner Ben Kimball presented the staff report.

The hearing opened to the public at 9:00 p.m.

• Jim Rogers, 2036 W. Nancy Ave., spoke in favor of the project.

The hearing closed to the public at 9:02 p.m.
COUNCIL ACTION: MOVED Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft resolution approving the Conditional Use Permit 1-2008 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved

30. DRIVE-THRU RESTAURANTS – MODIFICATION #1 TO CUP 8-82 GENERAL & SPECIFIC PLAN

Recommendation: Staff recommends that the City Council approve modification #1 to CUP 8-82 subject to conditions of approval.

City Manager Longley presented the staff report, and Associate Planner Jose Ortiz presented the staff report. During the staff report, Mr. Ortiz stated that it was brought to staff’s attention that there may be an issue with groundwater and/or soils contamination on the site. He added that he had attempted to contact the Regional Water Quality Control Board to verify whether there was a need for concern, but efforts were unsuccessful. Mr. Ortiz then requested that a condition be added to read as, “The applicant shall submit clearance from the Regional Water Quality Control Board to the satisfaction of the City Engineer regarding groundwater and/or soils contamination prior to the issuance of building permits at the proposed site”.

Community Development Director Dunlap elaborated on the groundwater and/or soils contamination issue that was brought to staff’s attention earlier that day, and requested that the last sentence of condition #11 of the resolution be stricken.

The hearing opened to the public at 9:15 p.m.

• Mark Hillman, 250 N. Main St., stated that the monitoring wells were mitigated in the late 1980s.

• Jerry Eoff, 752 E. Putnam, questioned whether the site in consideration was viable; expressed concern with the size of the project area, surface drainage, and sewer connections; and with the effects on nearby houses, and with the likely the increase in traffic.

• John Larios Cervantez, E. Putnam, expressed concerns regarding traffic, gang activity and the effects on nearby residential areas.

The hearing closed to the public at 9:24 p.m.

Council Member Hernandez expressed concern regarding noise and lighting impact on nearby residential. A brief discussion ensued, in which options to mitigate noise and light were discussed; vines along the east and south walls were mentioned, and it was brought to Council’s attention that there was a ten foot buffer on other side of the walls already.
Mayor Pro Tem Felipe Martinez stated that he was concerned with a lack of crosswalks available for foot traffic and inquired about parking along Putnam Avenue.

- John Larios Cervantez, E. Putnam, reiterated his concerns.

Council Member Pedro Martinez stated that he had an issue with the business hours being proposed, and thought that midnight was too late.

Mayor Hamilton addressed the issues raised by residents of the area, stating that he believed the business would slow traffic down, and that multiple use areas in neighborhoods were better for air quality.

- Mary McClure, address on record, wanted to know who brought the issue of contamination to staff’s attention, and why she was informed so late in the day.

City Manager Longley explained that the issue was brought up after the agenda review, and that staff felt it would be better to address the issue with an additional condition as opposed to postponing the item.

COUNCIL ACTION: 
**Resolution 13-2008**

MOVED Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve modification #1 to CUP 8-82 subject to conditions of approval as amended to add the Condition to require applicant to submit proof of compliance regarding groundwater and/or soils contamination to the satisfaction of the City Engineer, prior to the issuance of building permits; and striking of the last sentence of Condition #11. The motion carried unanimously.

Disposition: Approved

31. CRESTVIEW PARK TENTATIVE SUBDIVISION

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration for Crestview Park Tentative Subdivision Map; and
2. Adopt the draft resolution approving Crestview Park Tentative Subdivision Map subject to conditions of approval.

City Manager Longley introduced the item, and City Planner Ben Kimball presented the staff report. During the staff report Mr. Kimball requested that Condition #25 be re-worded for clarity to read, “To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicated and approve temporary turnarounds where streets dead end at phase lines within the development boundaries”.

The hearing opened to the public at 9:55 p.m.
• Sal Gonzalez, 147 K Street, Tulare resident, spoke in favor of the item.

• Don Pearson, 1189 E. Putnam, inquired about the possibility of a retaining wall between the Crestview lots and his property; and also spoke about the Pioneer ditch that ran through Lot No. 42.

City Planner Kimball clarified that if a grade separation existed that was six inches or greater between the properties, a retaining wall would be needed. A brief discussion ensued between Mr. Pearson and Public Works Director Baldo Rodriguez about the types of retaining walls.

The hearing closed to the public at 10:01 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Resolution 14-2008 Member McCracken to adopt the draft resolution approving the Mitigated Resolution 15-2008 Negative Declaration for Crestview Park Tentative Subdivision Map; and adopt the draft resolution approving Crestview Park Tentative Subdivision Map, subject to conditions of approval and amended to include the rewording of Condition No. 25 to read, “To accommodate refuse vehicles and street sweepers, the developer/application shall dedicate and improve temporary turnarounds for streets that end at phase lines within the development boundaries.” The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes.

Mayor Hamilton stated that in light of the late hour some scheduled items would be considered in one motion. Council Member Pedro Martinez made a motion to accept Item Nos. 32, 34, 37 and 38.

SCHEDULED MATTERS
32. CDBG CITIZEN’S ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:
1. Adopt the 2008 Citizen Participation Plan; and
2. Appoint existing members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, and John Dennis and new committee members, Theb Manivahn and Rebecca Vigil to the Citizen’s Advisory and Housing Opportunity Committee for a one-year term.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor M.O. 23-021908 Pro Felipe Martinez that the Council adopt the 2008 Citizen Participation Plan; and appoint existing members Pat Contreras, Linda Olmedo,
Grace Munoz-Rios, Rudy Roman, and John Dennis and new committee members Theb Manivahn and Rebecca Vigil to the Citizen’s Advisory and Housing Opportunity Committee for a one-year term. The motion carried unanimously.

Disposition: Approved

34. REQUEST FOR SPECIAL FIREWORKS PERMIT

Recommendation: That the City Council approve the request for a special fireworks permit to the Exchange Club of Porterville for Calendar Year 2008, give first reading to the draft ordinance, and order it to print.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Felipe Martinez that the City Council approve the request for a special fireworks permit to the Exchange Club of Porterville for Calendar Year 2008, give first reading to the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE, and order it to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

37. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Felipe Martinez that the City Council accept the interim financial status report and grants summary report as presented. The motion carried unanimously.

Disposition: Approved

38. QUARTERLY PORTFOLIO SUMMARY

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Felipe Martinez that the City Council accept the quarterly Portfolio
Summary in accordance with SB 564 and SB 866. The motion carried unanimously.

Disposition: Approved

33. LETTER OF PUBLIC CONVENIENCE OR NECESSITY / HESHAM MAKLOUF – 700 S. PLANO STREET

Recommendation: That the City Council approve a letter supporting the issuance of a Type 21 off-sale of beer, wine and distilled spirits license within Census Tract No. 39.01 for the Plano Handy Market located at 700 South Plano Street.

City Manager Longley introduced the item, and City Planner Kimball presented the staff report.

A brief discussion ensued, in which the number of permits within the area was clarified.

- Maricela Kasab, 31 N. Westwood, Store Manager, stated that the store’s customers were in favor as it would prevent them from having to cross Plano Street.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the City Council approve a letter supporting the issuance of a Type 21 off-sale of beer, wine and distilled spirits license within Census Tract No. 39.01 for the Plano Handy Market located at 700 South Plano Street.

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

Disposition: Approved

35. REVIEW OF SEWER CONNECTION POLICY

Recommendation: That the City Council:
1. Deny Mr. Ramos’s request for a waiver from the City’s Sewer Connection policy; and
2. Re-affirm the City’s current policy that prohibits the installation of septic tanks if a sewer main is within 1320’ of a specific property.

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

At Mayor Pro Tem Felipe Martinez’s request, the Public Works Director explained the various conditions within the City’s Sewer Connection Policy that would require Mr. Ramos to
connect to the City’s sewer, and provided information regarding Tulare and Visalia’s City Sewer Connection Policy.

Mayor Hamilton and Council Member Pedro Martinez concurred that they did not want septic tanks within city limits, and Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez agreed that $80,000 was a large fee for one individual to pay.

- Federico Ramos, 1891 W. Harrison, came forward to speak. Recognizing that Mr. Ramos did not speak English, Council Member Pedro Martinez offered to translate. Mr. Ramos stated that he had purchased the property with the intent of building a house, but the cost of connecting to the sewer would cost him more than he had paid for the property and he could not afford it.

After some discussion Council provided direction to continue the item to the City Council Meeting of March 4, 2008. The Council directed staff to look into policies of other cities and bring back options for Council’s review. It was requested that the City Attorney look into ways to advise title companies of City requirements regarding sewer connections.

Disposition: Direction given.

36. CONSIDER PERMANENT MONUMENT IN MURRY PARK

Recommendation: That the City Council consider the application; and
1. Take under advisement the recommendation and concerns of the Parks & Leisure Services Commission;
2. Approve installation of the specified permanent monument at staff’s recommended location within Murry Park; and
3. Specify that the Council’s action of approval requires completion of the monument installation within one year, unless a time extension is requested and granted.

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

City Attorney Julia Lew stated that it was her recommendation that the Council adhere to the policy that was adopted, and noted that the application was consistent with donations.

Council Member Pedro Martinez questioned the applicant’s intentions, and stated that he was not in support.

City Attorney Julia Lew stated that the words must be those of the applicant and the Council should not get involved with the content.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council approve installation of the specified permanent monument at staff’s recommended location within Murry Park; and specify that the Council’s action of approval requires
completion of the monument installation within one year, unless a time extension is requested and granted.

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

Disposition: Approved

39. STATUS REPORT OF PROJECT PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

Recommendation: Information only.

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council take no further action on the matter, and that staff determine if Johnson Controls has met all contractual obligations.

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

Disposition: Approved

The Council adjourned at 11:02 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
February 19, 2008

Roll Call: Member McCracken, Member Pedro Martinez, Member Hernandez, Vice Chairman Felipe Martinez, Chairman Hamilton

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. REFUNDING REDEVELOPMENT AGENCY 2002 TAX ALLOCATION REFUNDING BODS
Recommendation: That the Redevelopment Agency:
1. Adopt a resolution appoint the firm of Raymond Haight, Attorney at Law, to serve as bond counsel for the proposed bond issue; and
2. Adopt a resolution appointing the firm of Raymond Haight, Attorney at Law to serve as disclosure counsel for the proposed bond issue; and
3. Adopt a resolution appointing the firm of Wulff, Hansen, & Company as underwriter for the proposed bond issue; and
4. Authorize the Chairman, Executive Director, Secretary, and Treasurer to sign all documents necessary to achieve the refunding.

Agency Member McCracken and Vice Chair Felipe Martinez noted a conflict of interest and exited Chambers.

Secretary Longley introduced the item, and Executive Director Brad Dunlap presented the staff report.

A brief discussion ensued with regard to how the action would effect the Porterville Hotel project.

AGENCY ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Agency adopt a resolution appoint the firm of Raymond Haight, Attorney at Law, to serve as bond counsel for the proposed bond issue; adopt a resolution appointing the firm of Raymond Haight, Attorney at Law to serve as disclosure counsel for the proposed bond issue; adopt a resolution appointing the firm of Wulff, Hansen, & Company as underwriter for the proposed bond issue; and authorize the Chairman, Executive Director, Secretary, and Treasurer to sign all documents necessary to achieve the refunding.

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

Disposition: Approved

The Redevelopment Agency meeting adjourned at 11:13 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Hernandez:
  1) Announced that he was running for election.
  2) Spoke of the “Rockin’ for Alzheimer’s” event, taking place at 5:00 p.m. on Friday,
February 29, 2008 at the Senior Day Care Center. He encouraged everyone to support and donate to the center.

- Mayor Pro Tem Felipe Martinez congratulated Porterville High School on their victory over South High School in basketball.
- Council Member Pedro Martinez:
  1) Voiced his appreciation for staff’s dedication in attending the meeting for its duration.
  1) Extended an invitation to the 34th annual Elks Hoop Shoot Competition at 10 a.m. on February 23, 2008 at the Pioneer Middle School gym.
  2) Mentioned that a Monache student had been recognized by the state for academic excellence and requested that council recognize that student.
  3) Apologized for not being able to attend the Crime and Fire Prevention 2008 event, honoring emergency personnel.
- Council Member Hernandez:
  1) Announced that he would be cooking at the Crime and Fire Prevention 2008 event taking place on February 21, 2008 at the Strathmore Veteran’s Memorial Building and encouraged others to attend and recognize emergency personnel.
  2) Spoke about the possible Charter High School being considered by the School Board, which if approved would be located at the vacant Burton campus.
- City Manager Longley notified Council of the annual Budget Advance to take place February 20-22, 2008.
- Mayor Pro Tem Felipe Martinez asked Mayor Hamilton to confirm that he was running for re-election.
- Mayor Hamilton requested a proclamation for Porterville High School for winning the Polly Wilhelmsen Tournament.

The Council recessed for 10 minutes at 11:20 p.m. and reconvened in Closed Session.

**CLOSED SESSION**

The Council reconvened Open Session at 11:39 p.m. and reported that no action had taken place in Closed Session.

**ADJOURNMENT**

The Council adjourned at 11:40 p.m. to the meeting of February 26, 2008 at 6:00 p.m.

_____________________________
Luisa Herrera, Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor