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

**ORAL COMMUNICATIONS**

None

City Manager John Longley advised the Council that a request to add a Closed Session item to the Agenda had been received after the distribution of the Agenda Packets. He stated that the item pertained to a Single Party Compensation Agreement with Melson Realty, Inc. regarding the City’s fairgrounds property on Olive Avenue, and that action was required by Friday, October 19, 2007. He indicated that if the Council authorized adding the item to Closed Session, the terms and price related to the potential sale of the property would be discussed.

City Attorney Julia Lew clarified that the request met the qualifications for adding an urgency item to the Agenda. She indicated that because the item was brought to the attention of staff after the posting of the Agenda and because action was required prior to the next Council Meeting, no additional notice regarding the item was required. She stated that a 4/5 majority was needed to add the item.

**COUNCIL ACTION:** The Council unanimously approved adding the item to the Agenda under Closed Session.

M.O. 01-101607

Disposition: Approved

**CLOSED SESSION:**

A. Closed Session Pursuant to:

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 Mayor Cameron Hamilton
Invocation – a moment of silence was observed.
PROCLAMATION
“Porterville Chamber of Commerce Day” – November 3, 2007

PRESENTATIONS
- Employee Service Awards
- Introduction of New City Employees
- City Manager’s Featured Projects
- Library Board of Trustees’ Semi-Annual Report

ORAL COMMUNICATIONS
- Dana Babcock, representing Central Valley Asphalt, came forward with regard to Item No. 28. He requested a two-week continuance of the Item so as to allow Central Valley Asphalt time to research the issue and discuss the matter. He then provided to the Council copies of documentation related to the Rails to Trails Project.
- Rebecca Carley came forward and identified herself as an applicant for the Library Board of Trustees, and requested the Council’s consideration.
- Don Beardsly, 910 Williford Drive, introduced himself to the Council as an applicant for the Parks & Leisure Services Commission, and requested the Council’s consideration.
- Greg Shelton, 888 North Williford Drive, spoke regarding Item No. 28, indicating that construction debris remained at the site. He then inquired as to the drainage issue referenced in staff’s report.
- Martha Alcazar Flores, Frugal Fashions, 461 North Main Street, came forward as the Chair for the Porterville Chapter of the Tulare/Kings Hispanic Chamber of Commerce. She invited all to attend the mixer to take place on October 25, 2007 at the CHMA Centro Cultural, formerly the Porterville Community Center, on Putnam Avenue. Ms. Alcazar Flores then spoke of the efforts and contributions made by Mr. Jim Perrine to the Hispanic Chamber and community. She stated that the City of Porterville Parks & Leisure Services Department was to be recognized as the Chapter Business Organization of the Year at the Annual Installation of Officers and Business Awards Banquet to take place on November 17, 2007 at the Holiday Inn in Visalia. She then added that Eagle Mountain Casino would also be recognized as the Large Business of the Year; as would Gil Aguilar as Man of Year.
- Donnette Silva Carter, Porterville Chamber of Commerce, spoke in favor of Item No. 32 and commended the Council Member who requested the item. She then voiced appreciation of the recognitions of which Ms. Alcazar Flores spoke.

CONSENT CALENDAR
Item Nos. 6 and 18 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JULY 9, 2007 AND AUGUST 27, 2007
Recommendation: That the City Council approve the Minutes of July 9, 2007 and August 27, 2007.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept the Minutes of July 9, 2007 and August 27, 2007.
AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: P. Martinez
ABSENT: None

Disposition: Approved

2. CLAIM – DENNIS E. CONNOR

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. 03-101607
Disposition: Approved

3. CLAIM – MARIA OLIVEROS

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. 04-101607
Disposition: Approved

4. CLAIM – AJIT PANNU

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. 05-101607
Disposition: Approved

5. CLAIM – GARY MEEKS

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. 06-101607
Disposition: Approved

7. AUTHORIZATION TO ADVERTISE FOR BIDS – ‘C’ STREET WATER MAIN AND MISCELLANEOUS FIRE HYDRANT PROJECT
8. **AUTHORIZATION TO ADVERTISE FOR BIDS – TRAFFIC SIGNAL NO. 11 (INDIANA STREET AND PUTNAM AVENUE)**

Recommendation: That 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. 08-101607  
Disposition: Approved

9. **REJECT ALL BIDS – WWTF SCREENING AND GRIT EQUIPMENT UPGRADE 2007 PROJECT**

Recommendation: That the City Council:
1. Reject all bids for the WWTF Screening and Grit Equipment Upgrade 2007 Project;
2. Authorize staff to re-advertise the WWTF Screening and Grit Equipment Upgrade 2007 project;
3. Authorize staff to use Wastewater Treatment Facility Capital Reserve funds to pay for the WWTF Screening and Grit Equipment Upgrade 2007 project;
4. Authorize the Finance Director to make a budget adjustment in the amount of $910,000 from the WWTF Capital Reserve fund to the FY 2007/2008 budget; and
5. Authorize staff to use all remaining Sewer CIEDB funds to pay for the Effluent Pipeline and Land Leveling project, and to seek reimbursement for design related costs from the CIEDB loan.

Documentation: M.O. 09-101607  
Disposition: Approved


Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Lawrence E. Coleman, as Trustee
of the Lawrence E. Coleman 2004 Revocable Trust, Dated March 10, 2004, in the amount of $26,340.00 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 96-2007
Disposition: Approved

11. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 259-050-054 – PORTERVILLE SM, LLC & VIC-NIC IV, LLC – WELL NO. 31 PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Porterville SM, LLC, a California Limited Liability Company, as to an undivided one-half interest; and VIC-NIC IV, LLC, a California Limited Liability Company, as to an undivided one-half interest in the amount of $80,000.00 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 97-2007
Disposition: Approved

12. ACCEPTANCE OF IMPROVEMENTS – SIERRA MEADOWS (GARY SMEE – SMEE BUILDERS)

Recommendation: That City Council:
1. Accept the public improvements of Sierra Meadows Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 10-101607
Disposition: Approved

13. ACCEPTANCE OF THE HVAC REPLACEMENT PROJECT

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
14. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – TRAFFIC SIGNAL NO. 9 (OLIVE AVENUE AND MATHEW STREET) PROJECT

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

15. AUGMENTATION FUNDS FOR THE WEST STREET INDUSTRIAL PARK PROJECT – ADDITIONAL STORM DRAIN FUNDS

Recommendation: That City Council:
1. Authorize the appropriation $246,762.07 from the Storm Drain Master Plan Payback account to finance the extension of storm drain facilities to the dual use drainage facility within the Sports Complex;
2. Authorize staff to execute a Change Order that redirects the temporary drainage reservoir contract cost items to help finance the installation of the proposed storm drain facilities;
3. Authorize the staff to continue with a 10% contingency in the amount of $144,000 for the duration of the project; and
4. Authorize staff to issue payments to utility companies within the allocated budget and as depicted in the agreement dated June 5, 2007 between the City of Porterville and SCE.

16. OPEN ESCROW – DAVICK DEV. CORP. (JAMES CHOATE) PROPERTY

Recommendation: That the City Council:
1. Authorize staff to use Water Replacement funds to purchase the 1.9 acre site and pipeline easements from DAVICK DEV. CORP. in the amount of $195,000;
2. Authorize the Finance Director to initiate a budget adjustment in the amount of $195,000 from the Water Replacement Fund to the FY 2007/2008 budget;
3. Authorize staff to begin escrow, with the City paying escrow fees;
4. Authorize staff to make payment to DAVICK DEV. CORP. in the amount of $195,000 after completion of escrow;
5. Authorize the Mayor to sign the draft resolution; and
6. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 99-2007
Disposition: Approved

17. PROPOSAL FOR GASB 34 CITY INFRASTRUCTURE INVENTORY AND VALUATION SERVICES

Recommendation: That the Council authorize staff to utilize the solicitation of proposals conducted by the City of Tulare in the selection of CBIZ to perform the City’s GASB 34 appraisal services, and proceed with the GASB 34 valuation in compliance with CAFR requirements, utilizing carryover funds allocated to the Finance division during the 2006-2007 fiscal year.

Documentation: M.O. 13-101607
Disposition: Approved

19. BROWN ACT AND ETHICS SEMINAR FOR PUBLIC OFFICIALS

Recommendation: That City Council confirm its authorization of the scheduling of the seminar per the staff report, and appropriate $3,000 for activity.

Documentation: M.O. 14-101607
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept Items 2 through 5, 7 through 17, and 19. The motion carried unanimously.

6. APPROVAL FOR COMMUNITY CIVIC EVENT – MARIACHI ACADEMY FOUNDATION – FABULOUS MUSIC JAM

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.

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

A brief discussion ensued with regard to the beer garden and the precautionary actions that would be taken to address concerns.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez 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. The motion carried unanimously.

Disposition: Approved

18. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN, AND EMPLOYEE RETIREMENT SYSTEM

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-08 and 2008-09, and the Employee Retirement System, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

City Manager Longley introduced the item, and Deputy City Manager Lollis presented the staff report. City Attorney Julia Lew indicated that approval must be contingent on approval by the Association.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2007-08 and 2008-09, and the Employee Retirement System, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

20. BUDGET ADJUSTMENT/CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

Recommendation: That City Council:
1. Conduct the public hearing to receive public comment;
2. Authorize the use of these funds to offset costs for the full-time sworn officer, the community services officer, and all necessary training, equipment, and overtime costs; and
3. Approve an increase to the Police Department’s 2007-2008 budget, in the amount of $100,000.

City Manager Longley introduced the item, and Police Captain Eric Kroutil presented the staff report.

The hearing opened to the public at 7:54 p.m., seeing no one, the Mayor closed the hearing to the public at 7:55 p.m.
COUNCIL ACTION: Resolution 101-2007

MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the use of these funds to offset costs for the full-time sworn officer, the community services officer, and all necessary training, equipment, and overtime costs; and approve an increase to the Police Department’s 2007-2008 budget, in the amount of $100,000. The motion carried unanimously.

Disposition: Approved

21. ZONE CHANGE 4-2007, DESIGN REVIEW (D) OVERLAY 7-2007, CONDITIONAL USE PERMIT 10-2007 & VACATION OF A PORTION OF “C” STREET (CVS PHARMACY)

Recommendation: That the City Council:
1. Adopt the draft ordinance approving Zone Change 4-2007;
2. Waive further reading of the draft ordinance, approving the Zone Change 4-2007, and order it to print;
3. Adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Site Review 7-2007 contingent upon Zone Change 4-2007 and Vacation for a portion of “C” Street;
4. Adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 10-2007 contingent upon Zone Change 4-2007, Vacation of a portion of “C” Street and approval of D-Overlay 7-2007;
5. Approve letter supporting the issuance of a type 21 off-Sale Alcohol License within Census Tract 41.1 for the proposed CVS Pharmacy at the southeast corner of Olive Avenue and “C” Street;
6. Approve the “Property Exchange & Development Agreement;
7. Adopt the Resolution of Vacation, including reservation, for a portion of “C” Street between Olive Avenue and Vine Avenue;
8. Authorize the City Clerk to record the Resolution of Vacation and Easement Deed upon execution of the “Property Exchange and Development Agreement” with the County Recorder; and
9. Authorize the Mayor to sign all documents related to the CVS Pharmacy project.

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

The hearing opened to the public at 8:08 p.m.

- Bill McDermitt, Armstrong Development, Gold River, CA, developer for CVS Pharmacy in the Central Valley, thanked staff for their assistance, spoke of the expansion of CVS, and stated that he was available to answer questions.
• Tom Souza, Director of Sansome Pacific Properties, San Francisco, CA, spoke on behalf of CVS Pharmacy, and noted the benefits to the community.

• Chip Ericson, Main/Olive LLC, San Francisco, CA, Owner/Developer of neighboring Starbucks building, spoke in favor of the project and stated that he would change the color of his Starbucks project to coincide with the CVS project.

• Dick Eckhoff, 197 N. Main St., spoke in favor of the project and the divider, voiced concern with containers and truck parking.

• Greg Shelton, 888 N. Williford Dr., spoke against the location, suggested that there was a rush to move forward, and voiced concern with traffic flow and making C Street open to one way traffic only.

The hearing closed to the public at 8:24 p.m.

Mayor Hamilton clarified that “C” Street would not be a one-way street as was mentioned in public comments.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the draft ordinance approving Zone Change 4-2007; and waive further reading of the draft ordinance, approving the Zone Change 4-2007, and order it to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL FACTS HAVE OCCURRED FOR ZONE CHANGE 4-2007 ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF OLIVE AVENUE AND “C” STREET. The motion carried unanimously.

City Manager Longley read the ordinance by title only.

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution containing findings and conditions in support of approval of Design Resolution 103-2007, Resolution 104-2007 Overlay Site Review 7-2007 contingent upon Zone Change 4-2007 and Vacation for a portion of “C” Street; adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit 10-2007 contingent upon Zone Change 4-2007, Vacation of a portion of “C” Street and approval of D-Overlay 7-2007; approve letter supporting the issuance of a type 21 off-Sale Alcohol License within Census Tract 41.1 for the proposed CVS Pharmacy at the southeast corner of Olive Avenue and “C” Street; approve the “Property Exchange & Development Agreement; adopt the Resolution of Vacation, including
reservation, for a portion of “C” Street between Olive Avenue and Vine Avenue; authorize the City Clerk to record the Resolution of Vacation and Easement Deed upon execution of the “Property Exchange and Development Agreement” with the County Recorder; and authorize the Mayor to sign all documents related to the CVS Pharmacy project. The motion carried unanimously.

Disposition:  Approved

The Council recessed for 10 minutes.

22. CONDITIONAL USE PERMIT 9-2007 (MR. IGBAL SINGH AND MR. PARMJIT KAUR, FRIENDLY LIQUOR)

Recommendation: Staff recommends that the City Council adopt the draft resolution approving Conditional Use Permit 9-2007, subject to conditions of approval.

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

The hearing opened to the public at 8:50 p.m.

• Donna Shamley, Roberts Engineering, spoke on behalf of the applicant, and thanked staff for their efficiency.

• Greg Shelton, address on record, spoke in favor of the project.

• Dick Eckhoff, address on record, inquired about the canopy and suggested that the design was inappropriate for the area.

The hearing closed to the public at 8:53 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft resolution approving Conditional Use Permit 9-2007, subject to conditions of approval. The motion carried unanimously.

Disposition: Approved

23. CONDITIONAL USE PERMIT 8-2007 AND TENTATIVE PARCEL MAP 4-2007 FOR THAT SITE LOCATED ON THE SOUTHEAST CORNER OF MAIN STREET AND THURMAN AVENUE (ENNIS COMMERCIAL)

Recommendation: That the City Council:
1. Adopt the draft resolution approving Conditional Use Permit 8-2007
2. Adopt the draft resolution approving Tentative Parcel Map 4-2007.
Council Member McCracken recused himself due to a perceived conflict of interest.

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 Winton, 150 W. Morton, spoke on behalf of the project and stated that he was available for questions.

The hearing closed to the public at 9:02 p.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council adopt Resolution 106-2007 approving Conditional Use Permit 8-2007; and adopt Resolution 107-2007 approving Tentative Parcel Map 4-2007.

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

Disposition: Approved

24. AUTHORIZATION TO FORM AN UNDERGROUND UTILITY DISTRICT (RULE 20B AND RULE 32) – JAYE STREET CORRIDOR

Recommendation: That City Council adopt the resolution establishing an underground district.

City Manager Longley recused himself due to a conflict of interest, and Deputy City Manager Lollis introduced the item. Public Works Director Baldo Rodriguez presented the staff report.

The hearing opened to the public at 9:06 p.m., seeing no one, the Mayor closed the public hearing at 9:07 p.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the resolution establishing an underground district. The motion carried unanimously.

Disposition: Approved

25. ORDINANCE SETTING FORTH COMPREHENSIVE CHANGES TO THE CITY’S ANIMAL CONTROL REGULATIONS

Recommendation: That the City Council hold the continued public hearing concerning the
City Manager Longley introduced the item, and City Attorney Julia Lew presented the staff report.

The hearing opened to the public at 9:13 p.m.

- Dick Eckhoff, address on record, thanked Council and the City Attorney for addressing his concerns.

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

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve and give first reading to the Ordinance of the City Council of the City of Porterville Repealing Chapter 5, Sections 5-1 through 5-4.6, and Replacing it with Chapter 5, Sections 5-1 through 5-5.1 of the Porterville Municipal Code Pertaining to Animal Control, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 5, SECTIONS 5-1 THROUGH 5-4.6, AND REPLACING IT WITH CHAPTER 5, SECTIONS 5-1.0 THROUGH 5-5.1, OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

**SCHEDULED MATTERS**

26. YOUTH GROUP FIELD USE FEES

Recommendation: That the City Council accept the report on the Youth Group Field Use Fees and take no further action to consider modifications to the fees.

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

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the report on the Youth Group Field Use Fees and take no further action to consider modifications to the fees. The motion carried unanimously.
27. APPOINTMENTS TO LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION

Recommendation: Consider the submitted Requests for Appointment and appoint two residents to the Library Board of Trustees, and three residents to the Parks & Leisure Services Commission.

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

COUNCIL ACTION: Council Member Pedro Martinez nominated Obdulia Guzman Alvarado for the Library Board of Trustees.
M.O. 18-101607

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

Disposition: Approved

COUNCIL ACTION: Mayor Pro Tem Felipe Martinez nominated Hector Villicana for the Library Board of Trustees.
M.O. 19-101607

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

Disposition: Approved

COUNCIL ACTION: Mayor Pro Tem Felipe Martinez nominated George Luna for the Parks and Leisure Services Commission.
M.O. 20-101607

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

Disposition: Approved

COUNCIL ACTION: Council Member McCracken nominated Charles Webber for the Parks and Leisure Services Commission.
M.O. 21-101607
AYES: McCracken, P. Martinez, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Approved

COUNCIL ACTION: Council Member Pedro Martinez nominated Don Beardsley for the Parks and Leisure Services Commission.

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

Disposition: Approved

28. ACCEPTANCE OF THE RAILS TO TRAILS PARKWAY PROJECT

Recommendation: That City Council:
1. Accept the project as complete under the following conditions: (A) Authorize staff to retain the $10,991.40 remaining from Purchase Order #06-03495 to remediate the drainage issue. (B) Any remaining funds go to satisfy liquidate damages; and
2. Authorize the filing of the Notice of Completion.

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

- Nick Strange, Central Valley Asphalt, spoke of an investigation by the bonding company and of efforts made to address drainage issues.

A discussion ensued regarding the drainage issue and staff’s need to complete the project and report to Caltrans. City Manager Longley clarified that the firm could complete the work and receive the payment, or the City could utilize the money retained to complete the project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council accept the project as complete under the following conditions: (A) Authorize staff to retain the $10,991.40 remaining from Purchase Order #06-03495 to remediate the drainage issue. (B) Any remaining funds go to satisfy liquidate damages; and authorize the filing of the Notice of Completion. The motion carried unanimously.

Disposition: Approved
29. INTENT TO VACATE SANITARY SEWER AND WATER EASEMENTS RELATED TO TARGET STORE EXPANSION BUILDING PERMIT

Recommendation: That City Council:
1. Pass a Resolution of Intent to Vacate Sanitary Sewer and Water Easements described in a Partnership Grant Deed recorded February 18, 1992 as Document No. 92-011075 of Tulare County Official Records; and
2. Set the Council meeting of November 20, 2007 as the time and place for a public hearing.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council pass a Resolution of Intent to Vacate Sanitary Sewer and Water Easements described in a Partnership Grant Deed recorded February 18, 1992 as Document No. 92-011075 of Tulare County Official Records; and set the Council meeting of November 20, 2007 as the time and place for a public hearing.

Disposition: Approved

30. AWARD OF CONTRACT – “BANKING SERVICES”

Recommendation: That City Council:
1. Accept the Audit Committee’s recommendation to set aside the merchant services aspect of the Banking Services RFP and initiate a separate Merchant Services RFP; and
2. Accept the Audit Committee’s recommended ranking of the banking service responders; and
3. Select a banking services provider from the RFP responders; and
4. Authorize staff to enter into an agreement with the selected responder for banking services for the period beginning January 1, 2008, and ending June 30, 2013.

City Manager Longley introduced the item, and Chief Financial Officer Maria Bemis presented the staff report.

Council Member McCracken briefly explained the Audit Committee’s reasoning behind the recommendation to separate the merchant services aspect.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council accept the Audit Committee’s recommendation to set aside the merchant services aspect of the Banking Services RFP and initiate a separate Merchant Services RFP;
accept the Audit Committee’s recommended ranking of the banking service responders; approve the selection of Union Bank of California banking services from the RFP responders; and authorize staff to enter into an agreement with the selected responder for banking services for the period beginning January 1, 2008, and ending June 30, 2013. The motion carried unanimously.

Disposition: Approved

31. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – CONSIDERATION OF SUPPORT IN THE FORMATION OF A TULARE COUNTY CITIES ASSOCIATION

Recommendation: None

City Manager Longley introduced the item and provided some background information.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council support the formation of a Tulare County cities association. The motion carried unanimously.

Disposition: Approved

32. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – CONSIDERATION OF THE CREATION OF A YOUTH COMMISSION

Recommendation: None

City Manager Longley introduced the item.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the addition of an item regarding the consideration of a Youth Commission to the November 6, 2007 Council Meeting agenda.

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

Disposition: Approved

ORAL COMMUNICATIONS

- Dick Eckhoff, address on record, inquired whether the Long’s Drugs’ construction on ‘D’ Street had been completed, noting the loading and unloading of stock occurring on the roadway and the continued storage of pallets. He then noted Mayor Pro Tem Martinez’s
comments regarding his position as a committee member with regard to the Buck Shaffer Clock as discussed in Item No. 6, and inquired whether the Mayor Pro Tem should have recused himself from the vote on that item.

OTHER MATTERS

- Council Member Pedro Martinez:
  1. Spoke of the recent “Soccer Shoot” event held at the Sports Complex in partnership with the Parks & Leisure Services Department, and advised of the success of the recent events held;
  2. Spoke of the Candlelight Vigil to be held at Veterans Parks and inquired whether other Council Members would be attending; and
  3. Requested that the Council, at an upcoming meeting, recognize the Paar Center for its service to the Porterville Community.
- Council Member Hernandez mentioned the recent passing of John Longley, Sr. and Carmen Gonzales, and spoke of the significant contributions to the Porterville community made by each.
- Council Member Pedro Martinez echoed the comments made by Council Member Hernandez.
- Mayor Pro Tem Felipe Martinez thanked his fellow Council Members and City staff for their time in meeting to discuss strategies towards addressing gangs in Porterville.
- Mayor Hamilton:
  1. Spoke of the selection of Porterville Police Officer Morales as Officer of the Year at the recent Latinos Peace Officers’ Dinner, and congratulated Officer Morales for this achievement; and
  2. Spoke of the success of the Open House held by the Porterville Fire on Saturday, October 6, 2007.

ADJOURNMENT

The Council adjourned at 10:09 p.m. to the meeting of October 17, 2007 at 6:30 p.m.

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

SEAL

Cameron Hamilton, Mayor