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

Adjourn to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

Adjourned to a meeting of the Porterville City Council.

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

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY AGENCY OR CITY 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 – One individual participated.

PROCLAMATIONS
“Freedom Days” – June 14, 2008 through July 4, 2008

PRESENTATIONS
Employee Service Awards
City Manager’s Featured Project
La Sierra High School – Project Citizen

ORAL COMMUNICATIONS
• Sharon Patterson, Co-Chair of the Porterville City Library Centennial Committee, commended Kathy Poundstone for 30 years of service to the library, thanked Jim Perrine for his assistance, and reminded the Council that the library was dedicated 100 years ago.
• Obdulia Alvarado, Co-Chair of the Porterville City Library Centennial Committee, read a statement regarding her fond childhood memories of “the book mobile” that would visit her neighborhood in Woodville, and spoke about the library’s upcoming anniversary event.
• Bob Keenan, President of HBA, spoke against an increase in fees, and spoke of the effects the increase will have on home buyers.
• Jim Nanamura, address not given, thanked Parks & Leisure Services for the senior dances, spoke of the benefits of dancing; and thanked Police Chief McMillan and the Police Department for the opportunity to volunteer.

CONSENT CALENDAR
Items 12, 17, and 20 were removed for further discussion. Item 14 was removed for abstention.

1. CITY COUNCIL MINUTES OF FEBRUARY 19, 2008
Recommendation: That the City Council approve the Minutes of February 19, 2008
Documentation: M.O. 01-052008
Disposition: Approved

2. BUDGET ADJUSTMENT
Recommendation: That the City Council:
1. Authorize staff to accept the grant funds and to authorize a budget adjustment to the Fire Department in the amount of $1,000; and
2. Approve the use of the funds to purchase smoke detectors and provide them free of charge to the citizens of the City of Porterville who cannot afford to purchase a smoke detector for their home.
3. AUTHORIZATION TO ADVERTISE FOR BIDS – ALLEY RECONSTRUCTION BETWEEN D STREET AND HOCKETT STREET

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. 03-052008
Disposition: Approved

4. AWARD OF CONTRACT – AIRPORT TOXIC REMEDIATION PROJECT

Recommendation: That the City Council:
1. Award the Airport Toxic Remediation project to Petrosius Construction, Inc. in the amount of $359,622.26;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs, and 3.5% for construction management and soil testing services.

Documentation: M.O. 04-052008
Disposition: Approved

5. ACCEPTANCE OF PROJECT – DATE AVENUE RECONSTRUCTION – ‘A’ STREET RECONSTRUCTION & STORM DRAIN PROJECT

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 05-052008
Disposition: Approved

6. ACCEPTANCE OF PROJECT – OAK AVENUE IMPROVEMENT PROJECT

Recommendation: That City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 06-052008
Disposition: Approved
7. ACCEPTANCE OF PROJECT – TRAFFIC SIGNAL # 11 (INDIANA STREET AND PUTNAM AVENUE)

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.

Documentation: M.O. 07-052008
Disposition: Approved

8. ACCEPTANCE OF PROJECT – MATHEW AND WESTFIELD STORM DRAIN 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.

Documentation: M.O. 08-052008
Disposition: Approved

9. CITY-COUNTY AGREEMENTS RELATED TO SCRANTON – INDIANA WIDENING PROJECT

Recommendation: That City Council:
1. Approve the Maintenance & Operation Agreement and City/County Cooperative Agreements as written;
2. Authorize the Mayor and City Clerk to execute two (2) of each agreement with Tulare County; and
3. Authorize the City Clerk to forward the agreements to Tulare County for Board of Supervision action.

Documentation: M.O. 09-052008
Disposition: Approved

10. APPROVAL OF AGREEMENT WITH CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

Recommendation: That the City Council:
1. Approve Agreement No. 4CA00049 between the Department of Forestry and Fire Protection (Cal Fire) and the City of Porterville; and
2. Authorize the City Manager to sign said Agreement and transmit same to Cal Fire.

Documentation: M.O. 10-052008
Disposition: Approved

11. CITY EASEMENT CONVEYANCE TO VERIZON WIRELESS

Recommendation: That the City Council:
1. Accept Verizon Wireless request to have the City convey an easement for the installation and maintenance of underground electrical facilities;
2. Authorize the Mayor to sign the Grant of Easement; and
3. Authorize the City Clerk to mail the signed Grant of Easement to Verizon Wireless for recordation.

Documentation: Resolution 41-2008
Disposition: Approved

13. FOLLOW-UP ON EFFECTIVENESS OF CASAS BUENA VISTA BUMP-OUTS

Recommendation: None
Disposition: Informational Report

15. THIRD ANNUAL NATIONAL DUMP THE PUMP DAY

Recommendation: None
Disposition: Informational Report

16. STATE DEPARTMENT OF FINANCE – POPULATION AND HOUSING ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville January 1, 2008, population of 51,863.

Documentation: M.O. 11-052008
Disposition: Approved

18. AUTHORIZE LIBRARY CENTENNIAL CELEBRATION ALONG WITH STREET CLOSURE AND WINE RECEPTION

Recommendation: That the City Council:
1. Authorize staff to facilitate the efforts of the Porterville City Library Centennial Committee in conducting a library centennial celebration;
2. Authorize the street closure of Thurman from Hockett to Division from 9:00 AM to 11:00 AM on October 11, 2008;
3. Authorize the conducting of a no-fee invitation only wine reception during the evening of Friday, October 10, 2008, subject to an acceptable alcohol liability insurance certificate, age appropriate access controls to the Community Room, and that the event commence no sooner than 30 minutes following public closure of the Library; and
4. Authorize the creation and selling of Centennial Library Cards and other memorabilia for Library fundraising purposes.

Documentation: M.O. 12-052008
Disposition: Approved

19. PROPOSED CHANGES IN THE TABLE OF ORGANIZATION WITHIN THE PUBLIC WORKS DEPARTMENT, FIELD SERVICES DIVISION

Recommendation: That City Council:
1. Adopt the draft resolution 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/Field Services Manager classification at salary range 236 ($6,896-$8,416), and Assistant Field Services Manager classification at salary range 211 ($5,376-$6,561), a Laboratory Superintendent classification at salary range 206 ($5,115-$6,242) and the Water Systems Specialist classification at salary range 167 ($3,469-$4,233), and modifying the Classification Plan; and
3. Authorize the Mayor to execute these and other documents necessary to implement the provision hereof.

Documentation: Resolution 42-2008
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept Items 1 through 11, 13, 15, 16, 18 and 19. The motion carried unanimously.

12. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: Consistent with agreements and previous instructions, this report is provided for information purposes. It is recommended that the City Council use this information to inform any citizens that may inquire about fee adjustments.

City Manager Longley introduced the item, and spoke briefly about the purpose of the fees and the increase. Public Works Director Baldo Rodriguez provided some comparative information at a Council Member’s request. City Attorney Julia Lew explained that the increase was automatic, and
affirmative action would be required to change it. Mayor Hamilton spoke briefly about the arguments against the increase, and requested that the Council vote on the item.

Mayor Hamilton made a motion to waive the collection of the escalated amount for the period of one year. City Manager Longley explained that the purpose of the fee increase was to recover costs, and the money was used for the purpose of improving the system to support redevelopment. A discussion ensued about the reasoning behind previous increases and the effects of waiving the increase. Mayor Hamilton’s motion died for lack of a second.

- Bob Keenan, President of HBA, spoke against the increase.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council accept the scheduled 3.3% increase in fees.

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

Disposition: Approved

14. CONSIDER APPROVAL OF RULE 20-A FUNDS PROJECT

Recommendation: That the City Council:
1. Approve Division Street from Putnam Avenue to Olive Avenue as the Council’s choice to receive Rule 20-A Underground Utility funds;
2. Authorize the Mayor to execute the attached Rule 20-A Resolution identifying Division Street from Putnam Avenue to Olive Avenue as the preferred street to have adjacent overhead utilities underground; and
3. Authorize the City Clerk to transmit said resolution to Southern California Edison.

City Manager Longley introduced the item, and Council Member McCracken recused himself due to a conflict of interest. Council Member Hernandez stated that he was employed within the sphere of influence, but City Attorney Julia Lew clarified that there was no conflict and explained the need to assign the funds to a project.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve Division Street from Putnam Avenue to Olive Avenue as the Council’s choice to receive Rule 20-A Underground Utility funds; authorize the Mayor to execute the Rule 20-A Resolution identifying Division Street from Putnam Avenue to Olive Avenue as the preferred street to have adjacent overhead utilities underground; and authorize the City Clerk to transmit said resolution to Southern California Edison.
AYES: P. Martinez, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: McCracken
ABSENT: None

Disposition: Approved

17. STATUS REPORT ON THE FEASIBILITY OF TRANSIT BUS CONVERSION INTO A MOBILE LIBRARY

Recommendation: That the City Council accept the status report and allow staff to gather additional information from LDV, Inc. to confirm that the transit bus vehicle can be converted for mobile library use.

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

After some discussion about the costs associated with the Mobile Library and the City’s county residents, the Council directed staff to contact the County Supervisor to discuss the possibility of a partnership.

Disposition: Direction provided.

20. RENEWAL OF CONTRACT FOR LEGISLATIVE ADVOCACY SERVICES, AND PROPOSED INCREASED SERVICES

Recommendation: That the Council authorize the Mayor to execute the contract with Michael J. Arnold and Associates as proposed, an agreement for State legislative advocacy services.

City Manager Longley introduced the item. No staff report was presented.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council authorize the Mayor to execute the contract for State legislative services with Michael J. Arnold and Associates, as amended to authorize that the monies to support the increase in contract services be paid for using the City Council’s Contingency Funds. The motion carried unanimously.

Disposition: Approved, as amended.

The Council recessed for ten minutes.
21.  **CONDITIONAL USE PERMIT – TYPE 20 BEER AND WINE**

Recommendation: That the City Council:
1. Solicit comments on Conditional Use Permit 3-2008;
2. Adopt the draft resolution approving Conditional Use Permit 3-2008 subject to conditions of approval; and
3. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

The public hearing opened at 8:29 p.m.

- Eileen Dick, 235 Montgomery St, San Francisco, spoke, on behalf of Wal-Mart, of the installation of security cameras and the training of employees to address concerns.

The hearing closed to the public at 8:33 p.m.

Council Member Pedro Martinez expressed concern with the number of Conditional Use Permits granted, and the lack of consequences associated with violations. Mayor Hamilton concurred and suggested that the Council review all off-sale alcohol permits in order to grant the Council the ability to revoke any permits.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council adopt the draft resolution approving Conditional Use Permit 3-2008 subject to conditions of approval, and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Disposition: Approved

22. **ZONE CHANGE AMENDMENT 1-2008 (CONCEPTUAL PLAN), TENTATIVE SUBDIVISION MAP “GARDEN COURT VILLAS” AND CONDITIONAL USE PERMIT 5-2008 (SPECIFIC PLANS) – (WOODARD HOMES)**

Recommendation: That the City Council:
1. Adopt the draft ordinance approving Zone Change Amendment 1-2008 to include the Conceptual Plan (Exhibit “B”);
2. Approve the Tentative Subdivision Map for “Garden Court Villas”; and
3. Adopt the Draft Resolution approving Conditional Use Permit 5-2008 (Specific Plan) subject to conditions of approval.
City Manager Longley introduced the item, and City Planner Benjamin Kimball presented the staff report.

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

- Jim Winton, 150 W. Putnam, spoke in favor of the item, and commended staff for their assistance.
- Greg Shelton, 888 N. Williford Drive, inquired about density and complimented the projects unique design.
- Dennis Townsend, 633 N. Westwood, spoke in favor of the type of development and its affordability.
- Greg Woodard, 1055 W. Morton, thanked staff for their help streamlining the process, and spoke favorably of the projects features and amenities.
- John Martins, 1914 W. Forest, spoke in opposition of the item, stated that he was concerned with safety and requested a six-foot cinder block fence to deter crime.
- Rosemary Martins, 1914 W. Forest, spoke about fencing concerns and problems with current fence, and issues with the two-story units.

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

A discussion ensued with regard to fire safety access and the fencing. After which, Mr. Kimball requested that the term “unit condominium” within the resolution approving the tentative subdivision map be changed to “residential units”.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft ordinance approving Zone Change Amendment 1-2008 to include the Conceptual Plan (Exhibit “B”), being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PURSUANT TO ARTICLE 27 OF THE PORTERVILLE ZONING ORDINANCE APPROVING ZONE CHANGE AMENDMENT 1-2008 FROM R-2 (FOUR FAMILY RESIDENTIAL) ZONE TO PD (R-2) (PLANNED UNIT DEVELOPMENT-FOUR FAMILY RESIDENTIAL) ZONE FOR THOSE ELEVEN (11) LOTS ORIGINALLY APPROVED FOR RIVER VIEW ESTATES PHASE THREE LOCATED ON THE NORTH AND SOUTH SIDES OF ROBY AVENUE. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council
Resolution 45-2008  Member Hernandez that the Council approve the Tentative Subdivision Map for “Garden Court Villas”, as amended to replace “unit condominium” with “residential units” within the resolution. The motion carried unanimously.

Disposition: Approved, as amended.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the Tentative Subdivision Map for “Garden Court Villas”, as amended to replace “unit condominium” with “residential units” within the resolution. The motion carried unanimously.

Disposition: Approved

23. AN EXTENSION OF TIME FOR AN INTERIM ORDINANCE ADOPTING AN INTERIM ZONING MATRIX AND IMPLEMENTATION PLAN FOR THE PORTERVILLE 2030 GENERAL PLAN – UPDATE REPORT

Recommendation: That the City Council hold the public hearing, consider any and all public testimony, and extend the Interim Urgency Ordinance for the implementation of the newly adopted 2030 General Plan for a period of 10 months and 15 days.

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

The hearing opened to the public at 9:37 p.m., seeing no one, the Mayor closed the hearing to the public at 9:37 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council extend the Interim Urgency Ordinance for the implementation of the newly adopted 2030 General Plan for a period of 10 months and 15 days, being AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING AN INTERIM GENERAL PLAN AND ZONING CONSISTENCY PLAN AND MATRIX TO IMPLEMENT THE PORTERVILLE 2030 GENERAL PLAN. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

24. DESIGN (D) OVERLAY REVIEW 2-2008 – JAYE STREET CROSSING

Item 24 was held over to the June 3rd, 2008 City Council Meeting.

25. REQUEST TO ALLOW RE-SUBMITTAL FOR A CONDITIONAL USE PERMIT 4-96 TO ALLOW A TYPE 20, BEER AND WINE OFF-SALE LICENSE AND MINIT-
MART WITH GAS PUMPS, LOCATED AT 244 NORTH “D” STREET (“D” STREET CHEVRON STATION)

Recommendation: Action to be determined by City Council.

Council Member McCracken and Mayor Pro Tem Felipe Martinez recused themselves due to conflicts of interest.

City Manager Longley introduced the item, and City Planner Kimball presented the staff report. Mr. Kimball provided the Council with two options for consideration.

1. Determine that there is material evidence of a substantial change in circumstances, continue the public hearing and authorize re-application for a project similar to Conditional Use Permit 4-96.
2. Determine that there is no such evidence of a substantial change in circumstances and deny re-application at this time.

A discussion ensued with regard to the history of the request and the obscurity of the record as it pertained to a Conditional Use Permit for the existing gas pumps. Council concurred that the conundrum surrounding the item warranted the selection of Option 1.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council authorize the re-application and approve the continuance of the public hearing.

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

Disposition: Approved

26. STATUS REPORT – PROPOSED ORDINANCE PER AD HOC NON-DRIVEWAY PARKING COMMITTEE AND CITY COUNCIL RECOMMENDATIONS

Recommendation: Report only. No action required.

City Manager Longley introduced the item, and City Attorney Julia Lew presented a brief status report. The City Attorney was directed by Council to proceed with the $25,000 trigger language and present the draft ordinance at the June 3, 2008 City Council Meeting.

Disposition: Direction provided.

27. DRAFT ARTICLES OF INCORPORATION AND BY-LAWS – PORTERVILLE AIRPORT AREA DEVELOPMENT CORPORATION
Recommendation: That the City Council review and consider the drafts, and provide any direction to the City Attorney and its STIG/PAADA representatives.

Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez recused themselves due to a conflict of interest.

City Manager Longley introduced the item and presented the staff report. Council Member McCracken requested clarification on the subject of the officers, and how they were to be selected. City Attorney Lew explained that the officers of the corporation would also serve as the officers of the board, and clarified that the non-profit was designed to mirror the organization of the STIG/PAADA Committee. City Attorney Lew was directed by Council to include language clarifying the items discussed.

Disposition: Direction provided.

The Council adjourned at 10:08 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
May 20, 2008

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

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. AUTHORIZATION TO SUBORDINATE PROMISSORY NOTE – CENTENNIAL PLAZA

Recommendation: That the Porterville Redevelopment Agency:
1. Approve the subordination of the Promissory Note from Ennis Commercial Properties, LLC to Smith Commercial Properties, LLC; and
2. Authorize the Chairman and Secretary to sign all necessary documents.

Development Associate Linda Wommack presented the staff report.

AGENCY ACTION: MOVED by Agency Member McCracken, SECONDED by Agency Member Hernandez that the Redevelopment Agency approve the subordination of the Promissory Note from Ennis Commercial Properties, LLC to Smith Commercial Properties, LLC; and authorize the Chairman and Secretary to sign all necessary documents. The motion carried unanimously.
The Redevelopment Agency meeting adjourned at 10:11 p.m to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
None

**OTHER MATTERS**
• Council Member Hernandez
  1. Spoke briefly about his Sacramento trip with Mayor Hamilton;
  2. Commented on the proclamation for Pastor Braun; stating that he and the Mayor read the Proclamation at the Porterville Believers Church services; and
  3. Stated that Dr. Mekeel was re-hired as Burton School District Superintendent. He thanked Dr. Brown for serving as the Superintendent for the last 23 years.
• Council Member Pedro Martinez
  1. Suggested that staff look into the possibility of the Council reviewing all CUP applications regarding off-sales of alcohol;
  2. Noted the Memorial Day festivities to take place on Monday, May 26th; and
  3. Announced that the San Francisco Giants have sponsored a Jr. Giants Summer Baseball League for children ages 5-18.
• Mayor Hamilton requested that a STIG appointment be placed on the next agenda.

**ADJOURNMENT**
The Council adjourned at 10:18 p.m. to the meeting of May 27, 2008 at 6:00 p.m.

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor