CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JULY 15, 2008, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice-Mayor McCracken
Invocation – A moment of silence was observed.

PROCLAMATIONS
   Barn Theater 60th Anniversary

PRESENTATIONS
   City Manager’s Featured Project
   Introduction of New City Employees

   City Attorney Julia Lew introduced Urgency Item No. 1- Resolution Approving Amendments to the Measure R Expenditure Plan, to be added to Consent Calendar. She clarified that the request met the qualifications for adding an urgency item to the Agenda. She indicated that because the item came up 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, and provided a brief description of the item for the public.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the addition of Urgency Item No. 1- Resolution Approving Amendments to the Measure
R Expenditure Plan to the Consent Calendar as Item No. 16. The motion carried unanimously.

Disposition: Approved

**ORAL COMMUNICATIONS**

- Dick Eckhoff, 197 N. Main, spoke favorably of the Barn Theater, and extended an invitation to the ribbon cutting ceremony at the Barn Theater on Wednesday, July 16th.
- Robert Roman, 846 N. Main, provided an update on the “Time Marches On” clock; indicated that the clock would be dedicated to the City on Veteran’s Day; and extended an invitation to a fundraising event on Saturday, July 19th.

**CONSENT CALENDAR**

1. **CITY COUNCIL MINUTES OF APRIL 17, 2007, DECEMBER 4, 2007, AND JUNE 17, 2008**


   Documentation: M.O. 02-071508

   Disposition: Approved

2. **REQUEST TO FILE LATE CLAIM – THE HARTFORD**

   Recommendation: After consideration and investigation, staff recommends that the City Council deny said Application to File Late Claim submitted by The Hartford; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

   Documentation: M.O. 03-071508

   Disposition: Approved

3. **PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – TRAFFIC SIGNAL NO. 10 (NEWCOMB STREET AND WESTFIELD AVENUE)**

   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.

   Documentation: Resolution 73-2008

   Disposition: Approved

4. **APPROVAL OF ARCHITECTURAL ELEVATIONS FOR BUILDING PAD 4 OF RIVERWALK MARKETPLACE**

   Recommendation: Staff recommends that the City Council Approve the proposed architectural elevations, colors and materials for “Carl’s Jr.” located on Building Pad 4.
5. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

Recommendation: That the City Council:
1. Accept SCE’s request to have the City convey an easement for the installation and maintenance of underground electrical facilities;
2. Accept SCE’s $7,000 easement compensation;
3. Authorize the Mayor to sign the Grant of Easement; and
4. Authorize the City Clerk to mail the signed Grant of Easement to SCE for recordation.

Documentation: M.O. 04-071508
Disposition: Approved

6. AUTHORIZATION TO EXECUTE CONSULTANT SERVICE AGREEMENTS FOR TOPOGRAPHIC SURVEYING - BEVERLY STREET, NEWCOMB STREET AND PROSPECT STREET WIDENING PROJECTS

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with James Winton & Associates at an agreed fee of $3,900 for the Beverly Street services described herein;
2. Authorize the Mayor to execute the Consultant Service Agreement with Dee Jaspar & Associates at an agreed fee of $9,996 for the Newcomb Street services described herein;
3. Authorize the Mayor to execute the Consultant Service Agreement with Provost & Pritchard at an agreed fee of $8,121 for the Prospect Street services described herein; and
4. Authorize progress payments up to 100% of each of the fee amounts and authorize a 10% contingency per project to cover unforeseen design efforts.

Documentation: M.O. 05-071508
Disposition: Approved

7. AUTHORIZATION TO NEGOTIATE A CONTRACT WITH SW COMPRESSORS FOR A TEMPORARY CNG FUELING STATION

Recommendation: That the City Council:
1. Authorize staff to negotiate with SW Compressors for a minimum 6 month lease agreement at $2,500.00 per month;
2. Authorize staff to negotiate a month to month lease agreement with SW Compressors until completion of the permanent CNG facility; and
3. Authorize staff to make payment to SW Compressors for transportation
and installation in the amount of $2,000.00.

8. SIERRA MANAGEMENT TRANSIT CENTER LEASE

Recommendation: That the City Council:
1. Approve the Lease with Sierra Management; and
2. Authorize the Mayor and the City Clerk to execute the Lease which will go into effect as of July 1, 2008.

Documentation: M.O. 07-071508
Disposition: Approved

9. FEASIBILITY OF TRANSIT BUS CONVERSION INTO A MOBILE LIBRARY

Recommendation: That the City Council consider the alternatives and request that staff compile and implement a survey of library patrons to determine the interest for a mobile library and/or transit use to access city libraries.

Documentation: M.O. 08-071508
Disposition: Approved

10. LETTER OF PUBLIC CONVENIENCE OR NECESSITY/ALI AWNALLAH – 758 N. MAIN STREET

Recommendation: That the City Council approve a letter supporting the issuance of a Type 20 off-sale beer and wine license within Census Tract No. 37 for the Ranchito Market located at 758 N. Main Street.

Documentation: M.O. 09-071508
Disposition: Approved

11. REQUEST FOR PROMOTIONAL DISPLAY ON PUBLIC RIGHT-OF-WAY (RELAY FOR LIFE 2008)

Recommendation: That the City Council authorize the non-advertising displays commemorating the “Paint the Town” special event subject to the recommended conditions of approval.

Documentation: M.O. 10-071508
Disposition: Approved

12. APPROVAL FOR COMMUNITY CIVIC EVENT – MARIACHI ACADEMY FOUNDATION – FABULOUS MUSIC UNDER THE STARS

Recommendation: That the City 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.

Documentation: M.O. 11-071508
Disposition: Approved

13. RESPONSE TO GRAND JURY REPORT – BOARDS AND COMMISSIONS IN TULARE COUNTY

Recommendation: That the City Council:
1. Review and approve the City’s response to each of the Grand Jury’s finding; and
2. Authorize the Mayor to sign and transmit the Response to the Grand Jury.

Documentation: M.O. 12-071508
Disposition: Approved

14. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES


15. APPROVAL OF ADDITIONAL FINANCIAL SUPPORT FOR THE COUNCIL OF CITIES IN THE RETENTION OF LEGAL SERVICES IN CONNECTION WITH THE COUNTY OF TULARE’S GENERAL PLAN

Recommendation: That the City Council approve the commitment of additional financial support in the amount of $448.27 for the Council of Cities in the retention of legal services in connection with the County of Tulare’s General Plan, and authorize a budget adjustment of the same amount from prior year carryover.

Documentation: M.O. 13-071508
Disposition: Approved

16. RESOLUTION APPROVING AMENDMENTS TO THE MEASURE R EXPENDITURE PLAN

Recommendation: That the City Council approve the draft Resolution Approving Amendments to the Measure R Expenditure Plan.

Documentation: Resolution 75-2008
Disposition: Approved

PUBLIC HEARINGS
16. HILLSIDE DEVELOPMENT ORDINANCE

Comment: Staff pulled this item to notice the public hearing for the August 5, 2008 City Council Meeting in order to fully comply with the California Environmental Quality
Act (CEQA) noticing time and to resolve a few technical issues that need to be addressed in the document.

17. LANDSCAPE AND LIGHTING DISTRICTS ANNUAL ASSESSMENTS

Recommendation: That the City Council:
1. Conduct a public hearing on the 2008-2009 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2008-2009 Fiscal Year.

Deputy City Manager John Lollis introduced the item, and Parks and Leisure Services Director Jim Perrine presented the staff report. Mr. Doug Wilson, Engineer of Record, was in attendance via telephone to address questions from Council.

The hearing was opened to the public at 7:22 p.m.; seeing no one, the Mayor closed the public hearing at 7:23 p.m.

Council requested that staff provide them with periodic reports regarding complaints made, and look into the consolidation of districts where feasible.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Resolution 65-2008 Felipe Martinez that the City Council adopt the resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2008-2009 Fiscal year. The motion carried unanimously.

Disposition: Approved

18. REQUEST TO ALLOW THE MODIFICATION OF CONDITIONAL USE PERMIT 4-2000 TO UPGRADE AN EXISTING TYPE 20 OFF-SALE (BEER AND WINE) LICENSE TO A TYPE 21 OFF-SALE (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR AN EXISTING CONVENIENCE STORE “FRANK’S STOP AND GO MARKET” LOCATED AT 610 W. OLIVE AVENUE

Recommendation: That the City Council adopt the draft resolution approving the Modification of Conditional Use Permit 4-2000 subject to conditions of approval.

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

The hearing was opened to the public at 7:32 p.m.

- Ali Rahim, applicant, 610 W. Olive, spoke in favor of the upgrade; indicated that he was utilizing a counterfeit identification card detector; and spoke of improvements made to mitigate dust.
- Donnette Silva Carter, 93 N. Main Street, representing the Chamber, spoke in favor of the item.
The hearing was closed to the public at 7:35 p.m.

COUNCIL ACTION: MOVE½ by Vice-Mayor McCracken, SECONDED by Council Member Pedro Martinez that the City Council adopt the draft resolution approving the Modification of Conditional Use Permit 4-2000 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved

SECOND READINGS

19. ORDINANCE 1744, LIMITS FOR CITY EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND

Recommendation: That the City Council give Second Reading to Ordinance No. 1744, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No. 1744, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER II, ARTICLE VII, “EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND,” waive further reading, and adopt said Ordinance. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

20. SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council review the Short Range Transit Plan and give staff direction which options the Council would like to pursue. Staff will then proceed to schedule a public hearing to address any service level increases/reductions, or fare increases that may be part of any option.

Deputy City Manager Lollis introduced the item. Administrative Analyst Linda Clark introduced Charles Clouse of TPG Consulting, Inc., who gave a Powerpoint presentation about the Short Range Transit Plan and took questions from the Council.

In response to questions from the Council, Linda Clark spoke about the issuance of county-wide passes, ridership on Route 6, and the feasibility of weekend routes.

Disposition: No action taken.

The Council recessed for ten minutes.
21. REQUEST TO RATIFY BUDGET FOR FISCAL YEAR 2008-2009

Recommendation: The City Manager proposes that the City Council ratify the adopted 2008-2009 Fiscal Year Budget, as modified.

Deputy City Manager Lollis introduced the item, and at Council’s request, the staff report was waived.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council ratify the adopted 2008-2009 Fiscal Year Budget, as modified. The motion carried unanimously.

Disposition: Approved

22. MURRY PARK POND USE AND WATER QUALITY GOALS

Recommendation: That the City Council receive recommendations from the Parks & Leisure Services Commission and provide direction to staff on the goals for use and water quality of the Murry Park Pond.

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

A brief discussion ensued about the ducks that inhabit the Murry Park Pond, and Council indicated that they did not wish for the ducks to be removed. Council Member Ward suggested that staff seek the assistance of biology and/or zoology experts at Porterville College, who may have information on how to remedy some of the issues with the water fowl, such as population control.

Disposition: No action taken.

23. RELOCATION OF VETERAN’S PARK PLAYGROUND

Recommendation: That the City Council:
1. Receive the recommendations from the Parks & Leisure Services Commission and provide direction to staff on the location for installation of the replacement Veteran’s Park playground equipment; and
2. Direct the preparation of a budget adjustment to allocate $45,655 in additional general fund carry-over to the Veteran’s Park Playground Replacement Project.

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

A discussion ensued about the safety of younger children, and the placement of fencing was suggested in lieu of relocating the playground.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the installation of
the replacement Veteran’s Park playground equipment at the current playground site. The motion carried unanimously.

Disposition: Approved

24. COUNCIL MEMBER TO SERVE ON THE PUBLIC SAFETY BUILDING COMMITTEE

Recommendation: That the City Council:
1. Select and assign a representative to serve on the Public Safety Building Committee; and
2. Authorize the Public Safety Building Committee to begin the process for the new Public Safety Building.

Deputy City Manager Lollis introduced the item, and the staff report was waived per Council’s request.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council select Council Member Felipe Martinez to serve on the Public Safety Building Committee; and authorize the Public Safety Building Committee to begin the process for the new Public Safety Building. The motion carried unanimously.

Disposition: Approved

25. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF BALLOT MEASURE TO AMEND CITY CHARTER

Recommendation: None

Deputy City Manager Lollis introduced the item and provided background information on the item.

City Attorney Julia Lew indicated that there were some clerical errors relative to gender neutrality that could be corrected without Council action. Council Member McCracken voiced concern with the Council re-organizational meeting, and the use of the Mayor Pro Tem title. The City Attorney indicated that non-clerical corrections would need to be changed via ballot measure. After a brief discussion, staff was directed to bring back the costs and proposed language associated with a ballot measure at the August 5, 2008 meeting for Council consideration.

Disposition: Direction given.

The Council adjourned at 9:04 p.m. to a joint meeting of the Porterville City Council, the Porterville Redevelopment Agency and the Porterville Finance Authority.
Redevelopment Agency Roll Call: Vice-Chair McCracken, Member Pedro Martinez, Member Felipe Martinez, Member Ward, Chairman Hamilton
Finance Authority Roll Call: Vice-Chair McCracken, Member Pedro Martinez, Member Felipe Martinez, Member Ward, Chairman Hamilton

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. REFUNDING REDEVELOPMENT TAX ALLOCATION BONDS

Recommendation: That the Porterville Redevelopment Agency:

1. Adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions; and

2. Adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1; and

That the Porterville City Council:

1. Adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within or of benefit to Porterville Redevelopment Project Area No. 1; and

2. Adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No. 1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1; and

3. Authorize the Mayor to sign all necessary documents.
That the Porterville Public Financing Authority:

1. Adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) and approving related documents and actions; and

2. Adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) and approving related documents and actions; and

3. Authorize the Chair to sign all necessary documents.

Deputy City Manager Lollis introduced the item. Vice-Mayor McCracken and Council Member Felipe Martinez recused themselves due to conflicts of interest. Community Development Director Dunlap indicated that the Mayor was within 500 feet of the housing project site, but he had been incorporated into the process by invoking the rule of necessity. At Council’s request, the staff report was waived.

**AGENCY ACTION:**

MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Ward that the Porterville Redevelopment Agency adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions; and adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions.

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

Disposition: Approved
COUNCIL ACTION:

MOVEd by Council Member Ward, SECONDED by Council Member Pedro Martinez that the Porterville City Council adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within or of benefit to Porterville Redevelopment Project Area No. 1; and adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1; and authorize the Mayor to sign all necessary documents.

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

Disposition: Approved

AGENCY ACTION:

MOVEd by Agency Chair Hamilton, SECONDED by Agency Member Pedro Martinez that the Porterville Public Financing Authority adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) and approving related documents and actions; adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) and approving related documents and actions; and authorize the Chair to sign all necessary documents.

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

Disposition: Approved

Mr. Dunlap introduced Bud Levine from Wulff, Hansen & Co. and Raymond Haight,
Attorney at Law, who both commented on staff’s outstanding job performance.

The Council adjourned the Joint City Council/Redevelopment/Finance Authority Agency meeting at 9:11 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Dick Eckhoff, address on record, stated that the Murry Park Pond was a valuable feature, and spoke about the need to control the water fowl population.

**OTHER MATTERS**
- Council Member Pedro Martinez thanked the Police and Fire Departments for their hard work during the 4th of July holiday weekend.

**ADJOURNMENT**
- The Council adjourned at 9:16 p.m. to the meeting of July 16, 2008 at 4:00 p.m.

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Cameron Hamilton, Mayor

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SEAL        Luisa Herrera, Deputy City Clerk