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

**ORAL COMMUNICATIONS**

None

**CLOSED SESSION:**

A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   5- 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**

City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – A moment of silence was observed.

**PRESENTATIONS**

- Featured Project of the Month – Police Department Reorganization
- Outstanding Business – La Fuente Mexican Restaurant and Don Vino’s Italian Kitchen
- Library Services
- Introduction of New City Employees
  1. Armando Da Silva, Leisure Services Coordinator
  2. Janice Celinder, Administrative Analyst
  3. Javier Sanchez, Assistant City Engineer

**ORAL COMMUNICATIONS**
Dick Eckhoff, business address at 197 North Main Street, inquired whether the proposed staff changes in Item No. 9 were funded by Measure H, to which Mr. Longley responded they were not; spoke in favor of the Ordinance establishing the Downtown “D” Overlay Zone scheduled for Second Reading (Item No. 11); and requested that he have the opportunity to speak on Item No. 13 when the Council addressed the Item.

Boyd K. Leavitt, 457 Oak Avenue, inquired as to the new building with the appearance of a castle at the corner of Indiana Street and Olive Avenue.

Willie Carrillo, Leadership Porterville Class of 2008, commented that he was in attendance as a part of the Leadership Porterville curriculum, and extended invitations to the Council Members to attend an upcoming Tule River Indian Tribe event with Pete Rose.

Donnette Silva Carter, Porterville Chamber of Commerce, spoke of the upcoming 5th Annual Sierra Business Conference to take place September 19, 2008 at the Galaxy Theater, and invited all to attend.

CONSENT CALENDAR


Recommendation: That the City Council approve the Minutes of December 18, 2007 and January 15, 2008.

Documentation: M.O. 01-081908
Disposition: Approved

2. CLAIM – DANIEL CEBALLOS

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. 02-081908
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

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. 03-081908
Disposition: Approved

4. ACCEPTANCE OF PROJECT - NEWCOMB STREET SHOULDER STABILIZATION PROJECT

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

Documentation: M.O. 04-081908
Disposition: Approved

5. ACCEPTANCE OF PROJECT – POLICE DEPARTMENT SPRAYED POLYURETHANE ROOFING 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. 05-081908
Disposition: Approved

6. REIMBURSEMENT FOR THE CONSTRUCTION OF MASTER PLAN IMPROVEMENTS – SUNRISE VILLA, PHASE TWO & THREE SUBDIVISION (GARY SMEE)

Recommendation: That the City Council:
   1. Accept the Master Plan public improvements Sunrise Villa, Phase Two & Three Subdivision for maintenance; and
   2. Approve reimbursement to Mr. Gary Smee per Section 25-32.3c and 25-45.1c of the City of Porterville Municipal Code. The total reimbursement amount to be disbursed shall not exceed $345,148.60.

Documentation: M.O. 06-081908
Disposition: Approved

7. AMENDMENT TO HERITAGE BALLFIELDS PHASE 1 PARKING LOT PROJECT

Recommendation: That City Council:
   1. Approve a budget adjustment to reallocate the Section 108 funds to the landscape and irrigation project; and
   2. Approve an amendment with Halopoff & Sons, Inc. for the installation of landscaping and irrigation at the entry of the Heritage Center and the installation of artificial turf in the common area of the Heritage Center/Santa Fe Elementary School complex in an amount not to exceed $145,000, exclusive of contingency and administration.

Documentation: M.O. 07-081908
Disposition: Approved
8. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – BIENNIAL REPORT AND AMENDMENT

Recommendation: That the City Council accept the Conflicts and Disclosure Monitor Agency 2008 Biennial Report.

Documentation: M.O. 08-081908
Disposition: Approved

9. PROPOSED CHANGES IN THE TABLE OF ORGANIZATION WITHIN THE PARKS & LEISURE SERVICES AND POLICE DEPARTMENTS

Recommendation: That the City Council:
1. Adopt the proposed draft resolution authorizing changes in the Table of Organization and amending the Positions Allocation Schedule of the City’s Employee Pay and Benefit Plan;
2. Authorize a budget adjustment in the amount of $52,489 between the Parks & Leisure Services and Police Departments to account for salary and benefit costs; and
3. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution 78-2008
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve Item Nos. 1 through 9. The motion carried unanimously.

PUBLIC HEARINGS
10. REQUEST FOR A CONDITIONAL USE PERMIT 7-2008 TO ALLOW A TYPE 20, BEER AND WINE OFF-SALE LICENSE AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY IN CONJUNCTION WITH THE MINI-MART AND GASOLINE PUMPS, LOCATED AT 244 NORTH “D” STREET (CHEVRON FOOD MART)

Recommendation: That the City Council approve Conditional Use Permit 7-2008 to allow a Type 20 beer and wine off-sale license and Letter of Public Convenience or Necessity for the Chevron mini-mart and gasoline pumps.

City Manager Longley introduced the item. Vice-Mayor McCracken and Council Member Felipe Martinez recused themselves due to being within 500 feet of the location and left the Council Chambers. City Planner Ben Kimball presented the staff report.

Council Member Ward inquired about significant changes that had occurred since the previous ruling. Mr. Kimball indicated that it had been a Council determination and the applicant
had stated that there was a significant change in the business climate downtown.

The hearing opened to the public at 7:48 p.m.

- Boyd K. Leavitt, 457 E. Oak Ave., spoke in favor of approval.
- Dick Eckhoff, address on record, spoke in favor of approval.
- Chris Sanders, 450 Colby, spoke on behalf of the applicant and in favor of approval.
- Donnette Silva Carter, Porterville Chamber of Commerce, spoke in favor of approval.

The hearing closed to the public at 7:58 p.m.

A discussion ensued regarding Council Member Ward’s concern of an overconcentration of Conditional Use Permits (CUPs) per census tract. Staff explained that the amount of licenses allowed per census tract was dependent on population density, so commercial areas may have more than the allotted number of CUPs, while residential areas would have substantially less than the maximum allowed.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Ward that the City Council approve Conditional Use Permit 7-2008 to allow a Type 20 beer and wine off-sale license and Letter of Public Convenience or Necessity for the Chevron mini-mart and gasoline pumps.

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

Disposition: Approved

SECOND READINGS
11. ORDINANCE 1745, DOWNTOWN “D” OVERLAY ZONE

Recommendation: That the City Council give Second Reading to Ordinance No. 1745, waive further reading, and adopt said ordinance.

City Manager Longley introduced the item and presented the staff report. Vice-Mayor McCracken and Council Member Felipe Martinez recused themselves due to conflicts of interest.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Brian Ward that the City Council give Second Reading to Ordinance No. 1745, waive further reading, and adopt said ordinance, 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 2-2008 TO ESTABLISH A “D” OVERLAY ZONE TO THE PROPERTIES LOCATED IN DOWNTOWN PORTERVILLE, BETWEEN MORTON AND OLIVE AVENUES AND SECOND AND HOCKETT STREETS.

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

The City Manager read the ordinance by title only.

Disposition: Approved

12. ORDINANCE 1746, DESIGNATING TRANSIT PARKING IN HOCKETT/OAK LOT

Recommendation: That the City Council give Second Reading to Ordinance No. 1746, waive further reading, and adopt said ordinance.

City Manager Longley 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. 1746, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING A SECTION OF CHAPTER 17, ARTICLE XI – STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS AND PUBLIC PARKING LOT. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS
13. COUNCIL SUPPORT OF AN AMENDMENT TO MEASURE R TO FUND THE PRESERVATION OF RAILROAD RIGHTS-OF-WAY AND RELATED INFRASTRUCTURE

Recommendation: That the City Council adopt the draft resolution to indicate support of using
Measure R funds to preserve existing rail lines.

City Manager Longley introduced the item and presented the staff report. He introduced Ted Smalley, Executive Director for the Tulare County Association of Governments (TCAG). Mr. Smalley and Mr. Allen Ishida, District 1 Supervisor, made a presentation to the Council regarding the proposed Measure R Amendment and the efforts to preserve rail right-of-way. Mike Ennis, District 5 Supervisor, followed, speaking of the importance of keeping the rail, and of AB32.

Following the presentation, a discussion ensued about the ownership of right-of-way. Mr. Ishida stated that the purchase of land and right-of-ways from railroad companies was not a simple process, and that the maintenance of the right-of-way was the main goal at that time. He indicated that the railway would be owned and controlled by an association of Council of Governments (COGs) in the future, and spoke of the approval process for the re-appropriation of Measure R funds.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council adopt the draft resolution to indicate support of using Measure R funds to preserve existing rail lines. The motion carried unanimously.

Disposition: Approved

14. CITY WEBPAGE RE-DESIGN

Recommendation: That the City Council designate two (2) Council members to serve on the ad hoc Webpage Design Committee.

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

After a brief discussion, the Council designated Council Member Ward and Vice-Mayor McCracken to serve on the ad hoc Webpage Design Committee.

Disposition: Appointments designated

15. CONSIDERATION OF LEGISLATIVE ISSUES: 2008-09 STATE BUDGET; AB 1884; PROPOSITION 7 (2008)

Recommendation: That the City Council:
   1. Authorize the proposed letter be sent to the Governor, State and Assembly leaders, and our Legislative representatives regarding the State Budget;
   2. Authorize the proposed letter be sent to the Governor regarding AB 1884; and
   3. Consistent with the League of Cities, recommend a NO vote on Proposition 7.
City Manager Longley introduced the item and presented the staff report. Council Member Felipe Martinez indicated that he had a conflict of interest on recommendation No. 2, and requested that it be considered separate from Nos. 1 and 3.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council authorize the proposed letter be sent to the Governor, State and Assembly leaders, and our Legislative representatives regarding the State Budget; and consistent with the League of Cities, recommend a NO vote on Proposition 7. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice-Mayor McCracken that the City Council authorize the proposed letter be sent to the Governor regarding AB 1884.

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

Disposition: Approved

16. REQUEST TO CONSIDER MOBILE COMPUTER LAB

Recommendation: If the Council wishes to pursue the project and define a source of funding, direction should be given and the matter returned at a subsequent Council meeting.

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

After a brief discussion, the Council formed a committee that to address the issue. The committee consisted of: Council Members Ward and Pedro Martinez, City Manager Longley, Parks & Leisure Services Director Perrine, and City Librarian Cervantes.

Disposition: Staff direction given.

The Council adjourned at 9:13 p.m. to a meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
August 19, 2008

Roll Call: Vice-Chairman McCracken, Member P. Martinez, Member F. Martinez, Member Ward, Chairman Hamilton
WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. AMENDING RESOLUTION NUMBERS 2008-05 AND 2008-06
ADOPTED ON JULY 15, 2008, APPROVING THE ISSUANCE AND
SALE OF REDEVELOPMENT PROJECT AREA NO. 1 TAX
ALLOCATION REFUNDING BONDS

Recommendation: That the Porterville Redevelopment Agency:

1. Adopt the draft resolution amending 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;

2. Adopt the draft resolution amending 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;

3. Authorize the Chairman to sign all necessary documents.

Agency Secretary Longley introduced the item. Chair Hamilton, Vice-Chair McCracken,
and Member Felipe Martinez indicated that they each had a conflict of interest. Chair Hamilton
remained by Rule of Necessity to consider the item. Community Development Director Dunlap
presented the staff report. Following the staff report, Ben “Bud” Levine, bond underwriter, Wulff
Hansen & Co., elaborated on the amendments being requested.

AGENCY ACTION: MOVED by Agency Chair Hamilton, SECONDED by Agency Member
PRA 2008-07 Ward that the Agency adopt the draft resolution amending 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; adopt the draft resolution amending 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; and authorize the Chairman to sign all necessary documents.

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

Disposition: Approved

The Agency adjourned the Redevelopment Agency meeting at 9:27 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
➢ Council Member Ward requested a Proclamation in support of Proposition 8.
➢ Council Member Felipe Martinez:
  1. Reported on his attendance on behalf of the City at the Board of Governors’ Meeting recently held in Union City;
  2. Requested that an item be placed on the next agenda regarding the installation of misters in the City Park arbors;
  3. Requested that staff look into the costs for constructing a new “shed” in the matter of the fairgrounds relocation.
➢ Council Member Ward inquired as to the status of compiling information on installing fencing/barriers – either natural, artificial, or both – at the Veterans’ Park playground. It was requested that the item come back at the second meeting in September.

ADJOURNMENT
The meeting adjourned at 9:39 p.m. to the meeting of September 2, 2008 at 6:00 p.m.
Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor