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
- Vickie Schulz, 1975 N. Douglas, spoke of the importance of the upcoming Veteran’s Day holiday and members of her family who had served in the military.

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

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

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation – one individual participated.

PROCLAMATIONS
- National Family Caregivers Month – November, 2008
- America Recycles Week – November 16–22, 2008

PRESENTATIONS
- Employee of the Month – Lupe Diaz
- Auto-Theft Reduction Efforts

ORAL COMMUNICATIONS
- Lori Lady, 369 N. Beverly, expressed disappointment in the conduct of the City’s police officers towards her son and others; expressed concern about the lack of services available for drug rehabilitation; and stated that she had sent a letter to the City regarding the conduct of the officers
and only received a response from the Mayor.

- Boyd Leavitt, P.O. Box 1742, spoke against Item No. 20; expressed concern with the illegal use of cell phones while driving; and requested that Vice Mayor McCracken update him on the outcome of Item 20.

CONSENT CALENDAR

Items Nos. 8, 13, and 16 were pulled for discussion.

1. CITY COUNCIL MINUTES OF OCTOBER 7, 2008 AND OCTOBER 25, 2008

Recommendation: That the City Council approve the Minutes of October 7, 2008 and October 25, 2008.

Documentation: M.O. 01-110408
Disposition: Approved

2. CLAIM – VICTOR ALBERT ROCHA

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. 02-110408
Disposition: Approved

3. CLAIM – KAREN SMITH

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. 03-110408
Disposition: Approved

4. AUTHORIZATION TO ADVERTISE FOR BIDS – HENDERSON AVENUE (JAYE STREET TO SAN JOAQUIN VALLEY RAILROAD CROSSING) REHABILITATION PROJECT

Recommendation: That the City Council:

1. Direct staff to formally close out the preliminary design phase of the project funded by Federal funds (RPSTPL-5122(039));
2. Approve staff’s recommended plans and project manual; and
3. Authorize staff to advertise for bids on the project.

Documentation: M.O. 04-110408
Disposition: Approved
5. AUTHORIZATION TO REJECT BID AND RE-ADVERTISE – BIOSOLIDS HAULING AND LAND APPLICATION

Recommendation: That the Council reject the bid for the hauling and land application of biosolids and authorize staff to re-bid the services.

Documentation: M.O. 05-110408
Disposition: Approved

6. STREET PERFORMANCE MEASURE – 1ST QUARTER UPDATE

Recommendation: Information only.

7. CODE ENFORCEMENT UPDATE

Recommendation: Information only.

9. WATER SYSTEM STATUS / PHASE II WATER CONSERVATION

Recommendation: That the City Council set a Public Hearing for November 18, 2008, to return to Phase I of the Water Conservation Plan.

Documentation: M.O. 06-110408
Disposition: Approved

10. REPORT ON MOBILE COMPUTER TECHNOLOGY ADHOC COUNCIL COMMITTEE PROGRESS

Recommendation: This is an informational item and no action of the City Council is requested at this time.

11. HILLSIDE DEVELOPMENT ORDINANCE FOLLOW-UP REPORT

Recommendation: For informational purposes only.

12. CONSIDERATION OF POLICY REGARDING CITY-FUNDED SPECIAL EVENT LIABILITY INSURANCE COVERAGE FOR HISTORIC PARADES & AIRSHOW

Recommendation: Information only.


Recommendation: That the City Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the
Restrictions and Requirements contained in the Application, Agreement, and Exhibit “A” of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 4, 2008; and
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

Documentation: M.O. 07-110408  
Disposition: Approved

15. SCHEDULING OF MEETINGS OF THE CITY COUNCIL, TO INCLUDE ZONING ORDINANCE UPDATE, PROJECT REVIEW AND GOAL SETTING, AND FIRST MEETING OF JANUARY 2009

Recommendation: That the City Council accept staff recommendations in the scheduling of meetings of the City Council.

Documentation: M.O. 08-110408  
Disposition: Approved

8. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS & COMMITTEES – 1ST QUARTER UPDATE

Recommendation: Informational report.

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

Mayor Hamilton suggested consideration of the removal of those members with excessive absences, and Council Member Felipe Martinez requested the inclusion of tardiness in future updates.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council accept the informational report. The motion carried unanimously.

Disposition: Approved, and direction given.

13. REQUEST TO SET PUBLIC HEARING FOR ORDINANCE REQUIRING FOOD ESTABLISHMENTS TO POST COUNTY HEALTH INSPECTION RESULTS OR SCORES

Recommendation: That the City Council set a Public Hearing for December 16, 2008, to consider the requirement that food establishments post their County health inspection results or scores.
Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

A discussion ensued with regard to the scheduling of a public hearing on the item. Vice Mayor McCracken offered to withdraw his request for a public hearing, work on the ordinance on his own time, and bring the item back at a later time. During the discussion Mayor Hamilton indicated that he had no interest in adopting the ordinance due to it being a County matter. It was noted that the health inspection scores were already available to the public if they had an interest in viewing them.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council deny the request to set a public hearing for ordinance requiring food establishments to post County Health Inspection results or scores, and take no further action on the item.

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

Disposition: Denied

16. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITHIN THE POLICE DEPARTMENT

Recommendation: That the City Council:

1. Adopt the proposed resolution authorizing a change in the Table of Organization and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan;
2. Authorize the establishment of one (1) Animal Control Officer classification at salary range 142 ($2,706-$3,301), effective November 4, 2008, modify the Classification Plan; and
3. Authorize the Mayor to execute these and other documents necessary to implement the provision hereof.

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

Council Member Pedro Martinez inquired about the need for additional personnel to assist in the animal control services. Mr. Lollis advised that the issue of capacity within the organization would be addressed to ensure the ability to provide service and flexibility.

COUNCIL ACTION: Resolution 91-08 MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the City Council adopt the proposed resolution authorizing a change in the Table of Organization and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan; authorize the establishment of one (1) Animal Control Officer
classification at salary range 142 ($2,706-$3,301), effective November 4, 2008, modify the Classification Plan; and authorize the Mayor to execute these and other documents necessary to implement the provision hereof. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

17. PARKWAY TREE AND LANDSCAPING ORDINANCE

Recommendation: That the City Council:

1. Approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and
2. Waive further reading of the draft ordinance, approve the Parkway Tree and Landscaping Ordinance, and order to print.

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

The public hearing opened at 7:55 p.m. Seeing no one, the Mayor closed the public hearing at 7:56 p.m.

Council Member Felipe Martinez and Council Member Ward expressed concern with the adjacent property owners being responsible for the maintenance of the trees.

Council Member Pedro Martinez requested clarification on Sections 19-34, 19-35, 19-38 and 19-41, and requested that educational resources be made available to the public.

Community Development Director Dunlap addressed the question of how the ordinance would effect new development and existing development, and advised that the goal was to establish equity.

COUNCIL ACTION:

Ordinance 1748 MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and waive further reading of the draft ordinance, approve the Parkway Tree and Landscaping Ordinance, and order to print.

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

Disposition: Approved

18. HIGHWAY WALL AND LANDSCAPING ORDINANCE

Recommendation: Approve the proposed Highway Wall and Landscaping Ordinance and give first reading to the draft ordinance.
Deputy City Manager Lollis introduced the item, and City Planner Ben Kimball presented the staff report.

The public hearing opened at 8:19 p.m. Seeing no one, the Mayor closed the public hearing at 8:20 p.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the proposed Highway Wall and Landscaping Ordinance and give first reading to the draft ordinance. The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes.

City Attorney Julia Lew advised that Ordinance 1748 and 1749 needed to be read into the record, and the Deputy City Manager read the ordinances by title only.

**SCHEDULED MATTERS**

19. OPTIONS FOR DEALING WITH IMPROPERLY MAINTAINED ABANDONED OR FORECLOSED PROPERTIES

Recommendation: That the City Council provide additional direction concerning the development of local regulations.

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

The Council directed staff to contact Chula Vista regarding their registration program and bring back the information for consideration.

Disposition: Direction given.

20. CONSIDERATION OF FORMATION OF MOSQUITO ABATEMENT DISTRICT IN SOUTHEASTERN TULARE COUNTY

Recommendation: Action to be determined by the Council.

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

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council oppose the formation of a Mosquito Abatement District in Southeastern Tulare County. The motion carried unanimously.
21. UPDATE REGARDING E-MAILS TO AND FROM CITY COUNCIL MEMBERS AND STATUS PER THE CALIFORNIA PUBLIC RECORDS ACT

Recommendation: That the City Council consider the above information and provide further direction.

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

City Attorney Lew recommended the use of city e-mail accounts for all Council business. She advised that staff was working on a retention policy to be brought to the Council early next year, and indicated that the policy was necessary to manage the information and determine whether communications were public records subject to disclosure. Council requested that staff provide a public disclosure notice template for their city e-mail accounts.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Council use of city e-mail accounts to include a public disclosure notice template. The motion carried unanimously.

Disposition: Approved

22. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the Interim Financial Status reports and Grants Summary report as presented.

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council accept the Interim Financial Status reports and Grants Summary report as presented. The motion carried unanimously.

Disposition: Approved

23. QUARTERLY PORTFOLIO SUMMARY

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

Deputy City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866. The motion carried unanimously.

Disposition: Approved

Mayor Hamilton requested that future quarterly financial reports be moved up in the agenda.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Felipe Martinez:
  1. Thanked staff for their involvement in the Homeless Connect event;
  2. Requested that a letter be sent to the Housing Authority suggesting that they be in attendance next time;
  3. Thanked the public safety workers for their hard work; and
  4. Extended an invitation to the “Time Marches On” event on Saturday, November 8, 2008.
• Council Member Pedro Martinez:
  1. Suggested a time capsule to coincide with the “Time Marches On” event;
  2. Spoke of note cards for Council use; and
  3. Suggested a golf challenge with the City of Tulare in lieu of the softball challenge.

ADJOURNMENT
The Council adjourned at 9:12 p.m. to the meeting of November 18, 2008 at 6:00 p.m.

_____________________________       ________________________________
SEAL               Luisa Herrera, Deputy City Clerk
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Cameron Hamilton, Mayor