Call to Order at 6:00 p.m.
Roll Call: Vice Mayor McCracken (arrived late), Council Member Pedro Martinez, 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(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

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.

PROCLAMATIONS
Eliseo Guerrero

PRESENTATIONS
City Manager’s Featured Project
- West Street Industrial Park
Library Board of Trustees’ Semi-Annual Report
Parks & Leisure Services Commission’s Semi-Annual Report
CNG Introductory Report – Mary Beatie/TPG Consulting

The Mayor advised that a request had been made to add an item onto the Agenda. It was
stated that due to an oversight, a Civic Event Application had not been submitted for the approval of the CHMA 2008-09 Herencia Hispana Soccer Tournament scheduled to take place October 25th and November 2nd and that Council action was required prior to the next regular Council Meeting of November 4th.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the Council add the item, being COMMUNITY CIVIC EVENT – CHMA 2008-09 HERENCIA HISPANIA SOCCER TOURNAMENT, onto Consent Calendar as Item 11a. The motion carried unanimously.

Disposition: Item added to agenda.

ORAL COMMUNICATIONS

- Barry Caplan, spoke against the Council’s previous action in support of Prop. 8.
- Dick Eckhoff, 197 North Main Street, requested that he have an opportunity to address the Council during its consideration of Item 21.
- Brock Neeley, spoke against the Council’s support of Proposition 8, and provided the Council with documentation in support of his position.
- Robert Roman, spoke on behalf of the Time Marches On Committee regarding the upcoming dedication of the Buck Shaffer Clock in Centennial Plaza. He thanked the City Council, staff, and Parks & Leisure Services Director Jim Perrine specifically, and invited all to the dedication.
- Dr. Bell, requested that he have an opportunity to address the City Council during its consideration of Item 16.
- Clayton Taylor, came forward on behalf of the merchants on West Mill Avenue, and thanked staff for working with them in delaying the Hockett/Mill Parking Lot Reconstruction Project until after the holiday season. He then spoke of a particular storefront on Main Street that was recently painted red, and inquired as to the remedies available to the City due to its violation of the restrictions imposed with the recently adopted Downtown “D” Overlay. Mayor Hamilton requested that Community Development Director Dunlap meet with Mr. Taylor to advise him of the status of the matter.
- Carol Mills, came forward as a participant in the Senior Nutrition Program at the Santa Fe Depot, and requested that the City Council return to paying for the kitchen laundry costs for the program. City Manager Longley provided Ms. Mills with his business card and requested that she contact him to discuss the matter.
- Tom Moran, 482 North Sunnyside, came forward on behalf of the Board of Directors of “MANA” and spoke of the organization’s plans to possibly develop a 50 bed facility for the homeless. Mr. Moran briefly elaborated on the project, and indicated that his organization was in need of a location, and was seeking confirmation of the City’s general support for the concept prior to continuing with the project.
- Jamie Garza, a Porterville resident, voiced disappointment with the Council’s previous action in support of Proposition 8, and provided the Council with documentation supporting her position on the matter.

CONSENT CALENDAR
Item No. 4 was removed for further discussion.


Recommendation: That the City Council approve the Minutes of July 1, 2008 and September 20, 2008.

Documentation: M.O. 02-102108
Disposition: Approved

2. CLAIM – BRYAN LUCCKETTA

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. 03-102108
Disposition: Approved

3. RATIFICATION OF BUDGET ADJUSTMENT FOR RELOCATION PLAN FOR TULARE COUNTY JUNIOR LIVESTOCK AND COMMUNITY FAIR, INC., AND COMISION HONORIFICA MEXICANA AMERICANA, INC.

Recommendation: That the City Council ratify the proposed budget adjustment from unallocated General Fund Reserves, to be replenished from proceeds upon the sale of the property to the State.

Documentation: M.O. 04-102108
Disposition: Approved

5. AWARD OF CONTRACT – TRANSIT MAINTENANCE & CNG FUELING FACILITY PROJECT

Recommendation: That the City Council:

1. Award the Transit Maintenance & CNG Fueling Facility Project Base Bid and Add Alternates A and B to TTS Construction Corporation in the amount of $2,787,616.00; and
2. Authorize a 9% contingency to cover unforeseen construction costs.

Documentation: M.O. 05-102108
Disposition: Approved
6. ACCEPTANCE OF PROJECT - HERITAGE CENTER BALL FIELDS, PHASE 1 PARKING LOT & PICNIC AREA

Recommendation: That the City Council:
   1. Accept the Heritage Center Ball Fields, Phase One 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. 06-102108
Disposition: Approved

7. STATUS REPORT – HOCKETT/MILL/OAK PARKING LOT RECONSTRUCTION PROJECT

Recommendation: None – information only.

8. WATER SYSTEM STATUS / PHASE II WATER CONSERVATION

Recommendation: That the City Council set a public hearing for November 4, 2008 to return to Phase I of the Water Conservation Plan.

Documentation: M.O. 07-102108
Disposition: Approved

9. ENFORCEMENT OF COMMERCIAL TRUCK PARKING ON WEST OLIVE AVENUE

Recommendation: None – information only.

10. SHORT RANGE TRANSIT PLAN – FORMAL APPROVAL

Recommendation: That the City Council:
   1. Formally adopt the City’s Short Range Transit Plan presented on July 15, 2008; and
   2. Authorize staff to file an application for the City of Porterville’s allocation of Proposition 1B funds for use in procuring a CNG transit bus.

Documentation: M.O. 08-102108
Disposition: Approved

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

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. 09-102108
Disposition: Approved


Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana Americana, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 10-102108
Disposition: Approved

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council member Felipe Martinez that the City Council approve Item Nos. 1 through 3, and 5 through 11a. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice-Mayor McCracken that the City Council authorize the performance of proposed repairs of the A/C unit at the Police Facility by Air Control Services; and authorize the use of General Fund carryover funds to make the repairs. The motion carried unanimously.

Disposition: Approved
The Council recessed for ten minutes.

Mayor Hamilton requested that Item No. 20 of Scheduled Matters be considered at that time.

**SCHEDULED MATTERS**

20. COUNCIL MEMBER APPOINTMENT TO CHAMBER BRANDING STEWARDSHIP COMMITTEE

Recommendation: That the City Council appoint a member of the Council to represent the City on the Chamber Branding Stewardship Committee.

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

Council Members Felipe Martinez and Brian Ward both indicated that they were interested in serving on the committee. Council Member Felipe Martinez made a motion to appoint Council Member Ward and his self to the committee. The motion died for lack of a second.

- Donnette Silva Carter, Committee Chair, advised that one representative per investor was the standard.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the City Council appoint Council Member Felipe Martinez to represent the City on the Chamber Branding Stewardship Committee and Council Member Ward as the alternate. The motion carried unanimously.

Disposition: Approved

Mayor Hamilton indicated that Item No. 16 would be considered next.

16. REQUEST BY THE BURTON SCHOOL DISTRICT AND PORTERVILLE SIKH CENTER FOR ANNEXATION AND ACCESS TO CITY SERVICES

Recommendation: That the City Council:

1. Approve the requests by the Burton School District and the Sikh Center to pursue annexation and connection to City services; and
2. Require the payment of all requisite annexation and service connection fees.

City Manager Longley introduced the item, and Deputy City Manager Lollis presented the staff report.
City Attorney Lew advised that Council Member Ward had no conflict of interest as he was not financially affected by the decision.

A discussion ensued with regard to prevailing wage triggers, and City Attorney Lew indicated that it was a concern. She then spoke of circumstances with which the Department of Industrial Relations could have an issue. Community Development Director Brad Dunlap then addressed concerns about the creation of islands.

- Dr. Gary Mekeel, Superintendent of Burton School District, spoke in favor and of the need for the annexation.

  Community Development Director Brad Dunlap explained the process of amending the Sphere of Influence, Urban Development Boundary, and Urban Area Boundary, which was necessary to create a situation where the school sites met the criteria for annexation. He indicated that the effort is not anticipated to be complete until mid-late 2009. The Sikh site, he noted, already met the criteria for annexation.

- Dr. Gary Mekeel, Superintendent of Burton School District, spoke of time restrictions with regard to the design of the school site.

- Dr. Bell, came forward on behalf of the Sikh Center, commended office staff, and spoke in favor of approval.

  City Manager Longley spoke of the risk associated with granting access to the Burton school sites, and Community Development Director Dunlap explained factors associated with the annexation of the Lombardi and Redwood school sites.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council consider the three locations separately.

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

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council approve the request by the Sikh to pursue annexation and connection to City services; and require the payment of all requisite annexation and service connection fees. The motion carried unanimously.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council issue a letter of commitment for the Lombardi site, and pursue annexation. The motion carried unanimously.

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member Ward
M.O. 16-102108 that the City Council issue a letter of commitment for the Redwood Academy campus, and pursue annexation. The motion carried unanimously.

Disposition: Approved

Mayor Hamilton indicated that the public hearing items would be considered next.

**PUBLIC HEARINGS**

12. REQUEST TO APPROVE RESOLUTION ESTABLISHING RATES FOR PORTERVILLE AIRPORT HANGAR FACILITIES

Recommendation: That the City Council approve the proposed resolution defining fees for Airport hangars and naming the hangars.

City Manager Longley introduced the item and presented the staff report. He then updated the Council on a recent meeting with airport tenants and indicated that the group requested that the CPI be based on Northern California.

The public hearing opened at 9:02 p.m. When nobody came forward, the Mayor closed the public hearing at 9:03 p.m.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the proposed resolution defining fees for Airport hangars and naming the hangars. The motion carried unanimously.

Disposition: Approved

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

Recommendation: That the City Council:
1. Conduct the public hearing to receive public comment; and
2. Authorize the use of these funds to offset costs for personnel assigned to the department’s Patrol Division, including necessary training, equipment, and overtime costs; and
3. Approve an increase to the Police Department’s 2008-2009 budget, in the amount of $100,000.

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

The public hearing opened at 9:05 p.m. When nobody came forward, the Mayor closed the public hearing at 9:06 p.m.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member
Resolution 89-2008  Ward that the City Council authorize the use of these funds to offset costs for personnel assigned to the department’s Patrol Division, including necessary training, equipment, and overtime costs; and approve an increase to the Police Department’s 2008-2009 budget, in the amount of $100,000. The motion carried unanimously.

Disposition: Approved

Mayor Hamilton requested that Item 19 be considered at that time.

SCHEDULED MATTERS

19. CONSIDERATION OF LIABILITY INSURANCE REQUIREMENTS FOR COMMUNITY CIVIC EVENT – VETERANS’ HOMECOMING COMMITTEE VETERANS’ DAY PARADE

Recommendation: That the Council provide direction to staff.

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

- Don Dowling, Chairman of the Veteran’s Homecoming Committee, requested that no additional insurance be required.

City Manager Longley spoke of the advantages to the City in providing insurance, in that the City would be the first to recover as the insured if an incident were to occur. He suggested that a draft events policy be brought back to address the three historic parades and the air show.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council reduce the required per occurrence coverage amount to $1,000,000, consistent with the required RMA coverage amount.

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

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council maintain the $2,000,000 per occurrence coverage amount and approve the City as a co-sponsor of this year’s Veteran’s Day Parade. The motion carried unanimously.
Staff was directed to bring back a policy for City-supplemented insurance for the Veteran’s Day, Christmas, and Cinco de Mayo parades, and the air show.

Disposition: Approved, and direction given.

Mayor Hamilton requested that Item 18 be considered.

18. PROVISION OF ANIMAL CONTROL SERVICES IN THE COMMUNITY

Recommends: That the City Council:

1. Authorize the Police Department to begin performing animal control enforcement in Porterville;
2. Authorize the establishment of an Animal Control Officer classification at salary range 142 ($2,706-$3,301).

City Manager Longley introduced the item, and Police Captain Silver Rodriguez presented the staff report.

City Attorney Lew indicated that the facility and staff member could likely be funded by Measure H, and a brief discussion ensued regarding sheltering in the interim. Council Member Pedro Martinez requested a future ordinance to require neutering/spaying if a non-breeder owns more than three animals.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council authorize the Police Department to begin animal control enforcement in Porterville; authorize the establishment of an Animal Control Officer classification at salary range 142 ($2,706-$3,301). The motion carried unanimously.

Disposition: Approved

Mayor Hamilton stated that Item 17 would be considered.

17. CITY OF PORTERVILLE GRANTS PROGRAM

Recommendation: The report is intended, consistent with City Council’s direction, to provide information in the Council’s determination of organizational goals and priorities.

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

A discussion ensued as to a Council Member request for a comparative analysis of grants sought and obtained by other cities. Council Member Ward recommended that the analysis be broken down by department. The Council went on to discuss the necessity of the analysis and the whether grant activity in other cities was applicable to Porterville.

Disposition: No action required.
The Council recessed for five minutes.

Council Member Pedro Martinez requested that Item 15 be considered at that time.

15. SELECTION OF JAYE STREET/TULE RIVER BRIDGE DESIGN ALTERNATIVE

Recommendation: That the City Council:
   1. Review the issues as presented in staff’s report;
   2. Accept the consultant’s recommendation to remove and replace the Jaye Street/Tule River Bridge; or
   3. Direct staff to communication with the City’s Bridge consultant and inform the Consultant that the City Does not agree with the inflation rate and subsequent Present Value analysis; and
   4. Ask staff to direct the Consultant to modify his analysis to reflect a Rehab Widening project as the economically viable solution.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice M.O. 20-102108 Mayor McCracken that the City Council accept the consultant’s recommendation to remove and replace the Jaye Street/Tule River Bridge. The motion carried unanimously.

Disposition: Approved

Vice Mayor McCracken selected Item 14 to be considered next.

14. AMENDMENT TO TRAFFIC RESOLUTION 10-2001 – DESIGNATION OF BEVERLY STREET AS A THROUGH STREET

Recommendation: That the City Council approve the proposed amendment to Traffic Resolution No. 10-2001 by designating Beverly Street from Pioneer Avenue to North Grand Avenue to be a “through street”.

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

COUNCIL ACTION: Resolution 90-2008 MOVED by Vice Mayor McCracken, SECONDED by Council Member Felipe Martinez that the City Council approve the proposed amendment to Traffic Resolution No. 10-2001 by designating Beverly Street from Pioneer Avenue to North Grand Avenue to be a “through street”. The motion carried unanimously.

Disposition: Approved
21. CITY COUNCIL REQUEST TO CONSIDER VOLUNTARY DRUG TESTING PROGRAM FOR COUNCIL AND COMMISSION/COMMITTEE MEMBERS

Recommendation: That the City Council consider the draft voluntary drug and alcohol testing policy of Council and Commission/Board Members and provide staff with appropriate direction.

Council Member Pedro Martinez requested that the item be continued.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council continue Item 21. The motion carried unanimously.

Disposition: Item continued.

22. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – RESOLUTION AND ORDINANCE PROVIDING FOR THE REGULATION OF FOOD ESTABLISHMENTS AND FOOD FACILITIES

Recommendation: None

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

City Attorney Lew recommended that the Council schedule a public hearing, and noted various technical issues with the proposed ordinance.

A discussion ensued about Council Member requests to add items to an agenda, and the Council gave direction to revert to the previous policy which would allow Council members to request an item by noon on the Monday prior to agenda distribution. It was also directed that the subject item be added to the next agenda.

Disposition: Direction provided.

ORAL COMMUNICATIONS

Barry Caplan, voiced concern with the City’s website, specifically as to the archiving of information.

Nikki Edwards, commended the City Council on its action regarding the City’s Animal Control Program, and spoke of numerous grants available to assist in the neutering and spaying of animals.

OTHER MATTERS

Council Member Ward announced that he and his wife were having a baby girl.

Council Member Felipe Martinez:
1. Spoke favorably of the Heritage Ball Field Parking Lot Project;
2. Commented on the need for more computers at the Library, noting that
patrons were waiting in line to use them; and
3. Spoke of efforts for the Buck Shaffer clock at Centennial Plaza and of the invitation extended to many public officials for its dedication.

➢ Council Member Pedro Martinez:
   1. Spoke favorably of the CVS/C Street Project;
   2. Spoke of the Library’s successful Centennial Celebration, and commended the volunteers and staff for their hard work;
   3. Inquired as to the status of, and requested movement on, the agenda item regarding a new position at the Airport; and
   4. Made mention that the Halloween holiday was around the corner.

➢ Vice Mayor McCracken spoke of his attendance at the recent meeting of the Mosquito Abatement Study Group on which he participates representing the City. He advised of the group’s interest in securing the services of a consultant to conduct a mail ballot survey at a cost of $30,000. He indicated that an item would be placed on the next Council Agenda for discussion.

➢ Mayor Hamilton spoke favorably of the Emblem Club’s event regarding the placement of the Battlefield Cross in Veteran’s Park, noted the compliments paid to Mr. Perrine by the Emblem Club, and thanked him for his efforts.

ADJOURNMENT
The Council adjourned at 10:42 p.m. to the meeting of November 4, 2008 at 6:00 p.m.

SEAL        Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor