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

**ORAL COMMUNICATIONS**
None

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property
   Negotiators/Property: APNs 261-130-001, 302-110-054 and 253-160-032. Agency
   Negotiator: John Longley, Brad Dunlap, and John Lollis. Negotiating Parties: City of
   2- Government Code Section 54956.8 – Conference with Real Property
   Negotiators/Property: APNs 261-130-001 and 253-160-032. Agency Negotiator: John
   Longley, Brad Dunlap, and John Lollis. Negotiating Parties: City of Porterville and State of
   3- Government Code 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation
   – Three Cases.
   4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City
   Attorney.

   City Manager Longley requested that Item A-4 be continued due to the unanticipated absence
   of City Attorney Lew due to the loss of her mother.

   Disposition:  
   Item continued.

**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**
Zonta Recognition Week – December 1 – 7, 2008

**PRESENTATIONS**
City Manager’s Featured Project – HOME 2008 Grant Award
Introduction of New City Employees
Tulare County Economic Development Corporation
Following the presentations, Mayor Hamilton noted the passing of Council Member Ward’s
father and City Attorney Lew’s mother, and asked that they be kept in everyone’s prayers.

**ORAL COMMUNICATIONS**
- Dick Eckhoff, 197 N. Main Street, spoke in favor of Item No. 11.
- Vanessa Foley, 998 E. River, spoke of safety concerns with the stop sign at Newcomb and Scranton; and inquired about the City Council and who held them accountable.
- Robert Roman, 846 N. Main Street, Time Marches On Committee, thanked the City and Jim Perrine for their support of the Fabulous Music Jam event; presented Jim Perrine with spare parts from the clock project; and presented the City Clerk with the clock’s information for the City’s permanent record.

**CONSENT CALENDAR**
Item Nos. 2, 10 and 11 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF NOVEMBER 4, 2008**

Recommendation: That the City Council approve the Minutes of November 4, 2008.

Documentation: M.O. 01-111808
Disposition: Approved

3. **CLAIM – KATHY KECK**

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. 02-111808
Disposition: Approved

4. **AWARD OF CONTRACT – FIRE STATION NO. 2 (SEWER CONNECTION) PROJECT (NEWCOMB STREET N. OF MORTON AVENUE)**

Recommendation: That the City Council:
   1. Award the Fire Station No. 2 (Sewer Connection) Project to Serna Construction, Inc. in the amount of $16,755.00;
   2. Authorize progress payments up to 90% of the contract amount; and
   3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 03-111808
Disposition: Approved

5. **ACCEPTANCE OF PROJECT – HENDERSON AVENUE STORM DRAIN, VILLA STREET TO ‘G’ STREET**

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. 04-111808
Disposition: Approved

6. ACCEPTANCE OF PROJECT – D AND HOCKETT STREET ALLEY
RECONSTRUCTION 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. 05-111808
Disposition: Approved

7. THIS ITEM HAS BEEN REMOVED.

8. CALTRANS “CALL FOR PROJECTS” – BICYCLE TRANSPORTATION
ACCOUNT (BTA)

Recommendation: That the City Council:
1. Direct the Public Works Director to complete and transmit two
applications to Caltrans District 6 office for Projects #1 and #2; and
2. Authorize the Mayor to sign the Resolution that 1) affirms the City’s
commitment to appropriate funds in FY 2009/2010 to satisfy the
City’s 10% local match and 2) approved the Bicycle Transportation
Plan which contains Project #1 and Project #2.

Documentation: Resolution 92-2008
Disposition: Approved

9. AUTHORIZATION TO RE-SCHEDULE THE ZONING ORDINANCE STUDY
SESSION TO DECEMBER 16, 2008

Recommendation: That the Council authorize staff to re-schedule the Study Session for the
Zoning Ordinance update to the December 16, 2008 City Council Meeting.

Documentation: M.O. 06-111808
Disposition: Approved

12. APPROVAL OF COMMUNITY CIVIC EVENT – PORTERVILLE AREA
MINISTERIAL ASSOCIATION – TREE LIGHTING CEREMONY, NOVEMBER
28, 2008
Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: M.O. 07-111808
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council approve Item Nos. 1, 3 through 9, and 12.

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

2. CLAIM – HELEN KENT

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.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

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

Disposition: Approved

10. REQUEST TO SCHEDULE STUDY SESSION TO REVIEW THE MARKET ANALYSIS AND BUSINESS INCUBATOR STUDY

Recommendation: That the City Council schedule a study session on January 13, 2009 to review and discuss the material presented in the Market Analysis and Business Incubator Study.
City Manager Longley introduced the item and presented the staff report, during which time he requested a modification to change the date for the study session to January 6, 2009; to add a report on mosquito abatement in the Porterville Area to the Agenda; and to provide discretion to the City Manager to add any urgent consent calendar items.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council schedule a study session on January 6, 2009 to include review of entrepreneurial study material and a report on mosquito abatement.

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

Disposition: Approved, as amended.

11. **AUTHORIZE HOLIDAY LIGHTING DECORATIONS ALONG MAIN STREET AND FOR GARDNER TREE**

Recommendation: That the City Council authorize and direct the Purchasing Agent to retain the services of Christmas Décor in an amount not to exceed the funding allocation within the budget for the holiday lighting decorations along Main Street, for the Gardner Tree, and for the Centennial Plaza gazebo.

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

Council Member Pedro Martinez inquired about the lights being put up prior to the Council’s approval. City Manager Longley indicated that the occurrence was the result of a misunderstanding on the part of Christmas Décor. Staff was then directed to prevent similar occurrences in the future.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council authorize and direct the Purchasing Agent to retain the services of Christmas Décor in an amount not to exceed the funding allocation within the budget for the holiday lighting decorations along Main Street, for the Gardner Tree, and for the Centennial Plaza gazebo.

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

Disposition: Approved, and direction given.
PUBLIC HEARINGS

13. WATER SYSTEM STATUS / PHASE II WATER CONSERVATION

Recommendation: That the City Council return to Phase I of the Water Conservation Plan.

City Manager Longley introduced the item, and Deputy Public Works Director/Field Services Manager Bryan Styles presented the staff report.

The hearing opened to the public at 8:01 p.m. Seeing no one, the Mayor closed the public hearing at 8:02 p.m.

Council Member Felipe Martinez requested the continuation of the odd/even water schedule thru the winter, along with continued press releases.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council return to Phase I of the Water Conservation Plan.

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

Disposition: Approved

14. REQUEST FOR A CONDITIONAL USE PERMIT 8-2008 TO ALLOW FOR AN UPGRADE TO FOUR (4) GAS DISPENSERS AND CANOPY AT SHERWOOD HANDY MARKET LOCATED AT 1907 W. MORTON AVENUE

Recommendation: That the City Council adopt the draft resolution approving the Conditional Use Permit 8-2008 subject to conditions of approval.

City Manager Longley introduced the item, and Community Development Director Brad Dunlap presented the staff report. During the staff report Mr. Dunlap amended Conditions 2, 28, and 31 as follows:

2. A five (5) foot wide landscape planter should be installed separating the parking area from the public street and shall be properly and permanently maintained. The number of trees to be planted should be equivalent to a minimum of one tree per thirty five (35) feet of street frontage, and the trees are to be a minimum of size fifteen (15) specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten (10) feet of public sidewalks, and automated irrigation systems for all landscaping will be required.

31. That the applicant/agent shall install a video surveillance system on the new pumps to the satisfaction of the Police Chief to help prevent crime.
28. Main entrance must comply with disabled access laws.

The hearing opened to the public at 8:10 p.m.

- Mark Hillman, 250 North Main Street, on behalf of the applicant, clarified that the site was not a “Shell” station and should be “Spirit”; requested a two-year extension for the completion of a block wall (Condition 4); requested clarification regarding Condition 18; and requested a one year extension of time for installation of video surveillance (Condition 31).

A discussion ensued regarding the applicant’s request for an extension for the completion of conditions 4 and 31. Community Development Director Dunlap shared the reasoning behind the recommendation of video surveillance.

The hearing closed to the public at 8:15 p.m.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council adopt the draft resolution approving the Conditional Use Permit 8-2008 subject to conditions of approval as amended per staff’s memo and the exclusion of Condition 31.

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

Disposition: Approved, as amended.

SECOND READINGS

15. SECOND READING – ORDINANCE 1748, AMENDING CHAPTER 19 ARTICLE II OF THE MUNICIPAL CODE REGARDING PARKWAY TREES

Recommendation: That the City Council give Second Reading to Ordinance No. 1748, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council give Second Reading to Ordinance No. 1748, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 19 ARTICLE II OF THE MUNICIPAL CODE REGARDING PARKWAY TREES, waive further reading, and adopt said Ordinance.
AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Ward

The City Manager read the Ordinance by title only.

Disposition: Approved

16. SECOND READING – ORDINANCE 1749, AMENDING SECTION 2617 OF THE ZONING ORDINANCE REGARDING HIGHWAY WALLS AND LANDSCAPING

Recommendation: That the City Council give Second Reading to Ordinance No. 1749, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Vice Mayor McCracken that the City Council give Second Reading to Ordinance No. 1749, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 2617 OF THE ZONING ORDINANCE REGARDING HIGHWAY WALLS AND LANDSCAPING, waive further reading, and adopt said Ordinance.

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

The City Manager read the Ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS
17. CONSIDERATION OF A TIME CAPSULE IN CENTENNIAL PARK

Recommendation: That the City Council provide further direction to staff.

City Manager Longley introduced the item, and the staff report was waived at the Council’s request. Chief Deputy City Clerk Patrice Hildreth presented supplemental information regarding existing time capsules within the city.
• Robert Roman, Time Marches On Committee, spoke in favor of the City working in conjunction with the Time Marches on Committee on the time capsule.

The Council provided staff with direction to work with the Time Marches On Committee toward the installation at the April 4, 2009 event.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve an appropriation of up to $700 for the time capsule.

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

Disposition: Approved

18. REQUEST FOR COUNCIL PARTICIPATION EVALUATING GRANT WRITER CONSULTANT QUALIFICATIONS

Recommendation: That the City Council appoint one Council Member to work with staff to evaluate the consultant qualifications for grant writer.

City Manager Longley introduced the item, and Community Development Director Dunlap presented the staff report.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the City Council appoint Council Member Ward to work with staff to evaluate the consultant qualifications for grant writer.

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

Disposition: Approved

19. REQUEST TO ESTABLISH LOOP SERVICE FOR PORTERVILLE AREA

Recommendation: That the City Council:
1. Authorize the City Manager to correspond with Supervisor Cox asking to initiate a LOOP service for Southeastern Tulare County;
2. Specifically coordinate with the Porterville Unified School District regarding the implementation of the service including pick-up and activity sites; and
3. Donate a surplus 1999 Ford Aerotech bus held by the City to TCAT.
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 authorize the City Manager to correspond with Supervisor Cox asking to initiate a LOOP service for Southeastern Tulare County; specifically coordinate with the Porterville Unified School District regarding the implementation of the service including pick-up and activity sites; and donate a surplus 1999 Ford Aerotech bus held by the City to TCAT.

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

Disposition: Approved

The Council adjourned at 8:38 p.m. to a joint meeting of the Porterville City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 18, 2008

Roll Call: Vice Chair McCracken, Agency Member Pedro Martinez, Agency Member Felipe Martinez, Chair Hamilton
Absent: Agency Member Ward

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SCHEDULED MATTER
PRA-01. AUTHORIZATION TO ENTER INTO A LOAN AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE PORTERVILLE REDEVELOPMENT AGENCY AND APPROVAL TO AMEND CONTRACT

Recommendation: That the Porterville Redevelopment Agency:
1. Request a loan in the amount of $100,000 from Risk Management for the expansion of the area to be included in the Redevelopment Project Area Amendment; and
2. Amend the contract with Urban Futures, Inc. to include Area 1 as shown on Attachment 1 of this document in an amount not to exceed $64,300.
That City Council:

1. Approve the Redevelopment Agency’s request for a loan in an amount not to exceed $100,000 for the expansion of the area to be included in the Redevelopment Area Amendment, with 3% simple interest accruing beginning upon the adoption of the Redevelopment Project Area Amendment and that payment be deferred for thirty (30) years.

City Manager Longley introduced the item. Vice Mayor/Vice Chair McCracken noted the need to abstain due to a conflict of interest and left the Council Chambers. Community Development Director Dunlap indicated the need to evoke the Rule of Necessity, which would allow Mayor/Chair Hamilton to participate due to being the least conflicted. Mr. Dunlap then presented the staff report.

**AGENCY ACTION:**

MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Felipe Martinez that the Porterville Redevelopment Agency request a loan in the amount of $100,000 from Risk Management for the expansion of the area to be included in the Redevelopment Project Area Amendment; and amend the contract with Urban Futures, Inc. to include Area 1 as shown on Attachment 1 of this document in an amount not to exceed $64,300.

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

**COUNCIL ACTION:**

MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the Redevelopment Agency’s request for a loan in an amount not to exceed $100,000 for the expansion of the area to be included in the Redevelopment Area Amendment, with 3% simple interest accruing beginning upon the adoption of the Redevelopment Project Area Amendment and that payment be deferred for thirty (30) years.

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

Disposition: Approved

The Council/Agency adjourned at 8:45 p.m. to a meeting of the Porterville Public Financing Authority.

**PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA**
November 18, 2008

Roll Call: Vice Chair McCracken, Director Pedro Martinez, Director Felipe Martinez, Chair Hamilton
Absent: Director Ward

WRITTEN COMMUNICATION
ORAL COMMUNICATIONS
None
PUBLIC FINANCING SCHEDULED MATTER
PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public hearing meeting in accordance with the Authority’s By-laws, accept public comment, and approve the 2008 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

Executive Secretary Longley introduced the item, and Community Development Director Dunlap presented the staff report.

The hearing was opened to the public at 8:46 p.m. Seeing no one, Chairman Hamilton closed the public hearing at 8:47 p.m.

AUTHORITY ACTION: MOVED by Vice Chair McCracken, SECONDED by Director Felipe Martinez that the approve the 2008 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects

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

Disposition: Approved
The Public Financing Authority adjourned at 8:48 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Dick Eckhoff, address on record, thanked the Council for approving Item No. 11, spoke in favor of the use of vendors as opposed to staff for the task, and indicated that the vendor thought that he had the approval to proceed; and extended an invitation to the lighting ceremony to take place on November 28th.

OTHER MATTERS
• Vice-Mayor McCracken spoke of information regarding mosquito abatement.
• Council Member Pedro Martinez:
  1. Spoke of his meeting with student body presidents to discuss more youth involvement in government; and
  2. Wished Members of the City Council and staff a Happy Thanksgiving.
• Council Member Felipe Martinez:
  1. Spoke of a Rail Committee meeting with Fresno State to take place on November 19th, and provided an update on the Committee’s activities; and
  2. Thanked staff for their help with the Fabulous Music Jam event.
• City Manager Longley reported on his visit to the Governor’s office regarding the J.P.A.
• Mayor Hamilton spoke of meeting a P.O.W. at the Veteran’s Day Tea and that the Council would be presenting him with a proclamation at an upcoming meeting.
• Council Member Pedro Martinez requested a press release go out regarding the proclamation.

**ADJOURNMENT**

The Council adjourned at 8:57 p.m. to the meeting of December 2, 2008 at 6:00 p.m.

______________________________
Luisa Herrera, Deputy City Clerk

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Cameron Hamilton, Mayor