Call to Order: 7:00 p.m.
Pledge of Allegiance: Council Member Ron Irish
Invocation: Pastor Rich Hartenberg, First Assembly of God Church
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PROCLAMATIONS

“IRIS FESTIVAL DAY” - April 26, 2003

Donnette Silva-Carter, Porterville Chamber of Commerce, came forward and accepted the proclamation and invited everyone to join in the festivities on April 26, 2003.

“COMMUNITY DEVELOPMENT WEEK” - April 21 - 27, 2003

Grace Munoz-Rios, on behalf of the CDBG Advisory Board, came forward to accept the proclamation.

“YELLOW RIBBON DAY - April 19, 2003

Dick Eckhoff, 30 East Oak, came forward and accepted the proclamation and extended an invitation to assist in the placing of the yellow ribbons Saturday morning.

“CINCO DE MAYO WEEK” - April 28 - May 5, 2003

Grace Munoz-Rios came forward to accept the proclamation and invite the Mayor to read the proclamation at the Cinco de Mayo celebration.

PRESENTATIONS

The following employees were presented with their service awards:

Kathy Poundstone, 25 years
Larry Stucker, 25 years
Alice Willet, 15 years
Russell Bettencourt, 5 years

The City Manager highlighted the Featured Projects for April, 2003:

1. Sports Complex Rotary Basketball ½ Court - Gil Meachum addressed the Council and gave them a description of the project.
2. Financial Software Implementation - InVision by Incode

3. Granite Hills Streets Project, Phase 2

WRITTEN COMMUNICATIONS
There were no Written Communications.

ORAL COMMUNICATIONS
• Jim Winton, 150 West Morton Avenue, requested permission from the Council to speak to Item No. 17, when it comes up for discussion.

• Sam Cohen, General Counsel for the Tule River Indian Tribe, 340 N. Reservation Road, addressed the Council with an invitation from the new Chairman of the Tribe. They are mediating off-reservation environmental impacts and want the City to consider providing police and fire services to them, if possible. He submitted a letter to the City Manager, which was given to the Mayor.

• Jerry Lynch, 1490 N. Atkins Way, requested permission from the Council to speak to Item No. 30, when it comes up for discussion.

• Dick Eckhoff, 30 East Oak, addressed the Council relating to No. 20, “Rails-to-Trails,” and stated he hoped it could be worked out among all the parties. He also spoke to Item No. 22, and requested to have a Downtown Porterville representative on the ad hoc committee referred to.

CONSENT CALENDAR
Item Nos. 8, 9 and 11 were removed from the Consent Calendar.

1. MINUTES OF APRIL 1, 2003

Disposition: Approved.
Document No.: Minute Order No. 01-041503

2. CLAIM - HERBIE THORNBURG

Recommendation: That the Council reject said claim, and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Disposition: Approved.
Document No.: Minute Order No. 02-041503

3. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery.
4. ACQUISITION OF RIGHT OF WAY – PROPERTY LOCATED AT NORTHEAST CORNER OF MORTON AVENUE AND PLANO STREET (APN NO. 253-070-023 – McDONALD)

Recommendation: That City Council pass the resolution approving the subject sale.

Disposition: Approved.  
Document No.: Minute Order No. 03-041503

File No.:  

5. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 246-070-035 – FLORES – MILO STREET RECONSTRUCTION PROJECT

Recommendation: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;  
2. Authorize staff to make payment to Javier and Maria Teresa Flores, in the amount of $6,000.00 after completion of escrow;  
3. Authorize the Mayor to sign all necessary documents; and  
4. Authorize staff to record all documents with the County Recorder.

Disposition: Approved.  
Document No.: Reso. No. 46-2003

File No.:  

6. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 246-070-050 – JAIME – MILO STREET RECONSTRUCTION PROJECT

Recommendation: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;  
2. Authorize staff to make payment to Rosa Jaime and Belen Jamie in the amount of $8,000.00 after completion of escrow;  
3. Authorize the Mayor to sign all necessary documents; and  
4. Authorize staff to record all documents with the County Recorder.

Disposition: Approved.  
Document No.: Reso. No. 48-2003

File No.:  

Page 3 of 24
7. WETLANDS MITIGATION – AUTHORIZATION TO NEGOTIATE CONSERVATION EASEMENT

Recommendation: That the City Council:

Authorize Staff to continue with formal negotiations with Sequoia Riverlands Trust to accept the Conservation Easement required for the Wetlands Mitigation for the Neighborhood Community Center/Santa Fe Elementary School Site.

Disposition: Approved.
Document No.: Minute Order No. 04-041503

10. THIS ITEM WAS REMOVED PRIOR TO MEETING.

12. THIS ITEM WAS REMOVED PRIOR TO MEETING.

13. AIRPORT LEASE – LOT 49B (PETER RAVENTOS)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying page 2, Provision 4a of the original Lease Agreement, upon execution of said Amendment No. 1 by both Lessee and City.

Disposition: Approved.
Document No.: Minute Order No. 05-041503

14. FIRE ACT GRANT APPLICATION

Recommendation: That the City Council:

1. Authorize staff to submit the application for funding to FEMA;
2. Authorize staff to accept the grant award, if awarded;
3. Authorize the Mayor to sign for the acceptance of the grant;
4. Authorize the disbursement of funds from the Fire Department’s “Firefighting and Rescue Equipment replacement fund # EL-2997" for the 10% match.

Disposition: Approved.
Document No.: Minute Order No. 06-041503

15. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – MEET AND CONFER REPRESENTATIVE FOR CITY

Recommendation: That the City Council approve the attached amended Professional Services Agreement and authorize the Mayor to execute the Agreement.
15a. CLOSED SESSION PURSUANT TO: GOV. CODE SEC. 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR AGENCY NEGOTIATOR: GARY IRISH; EMPLOYEE ORGANIZATIONS: PORTERVILLE POLICE OFFICERS’ ASSOCIATION; PORTERVILLE CITY FIREFIGHTERS’ ASSOCIATION; AND PORTERVILLE CITY EMPLOYEES’ ASSOCIATION.

COUNCIL ACTION MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez that the Council approve Item Nos. 1 through 7, 10 and 12 through 15a of the Consent Calendar.

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

After the vote on the Consent Calendar, a question arose from Council Member Hamilton relating to Item No. 7. The City Manager clarified Item No. 7 and stated that Option No. 1 had been acted upon.

8. AGREEMENT TO POST NO PARKING SIGNS AND MAINTAIN SCRANTON AVENUE BETWEEN WEST STREET AND WESTWOOD STREET

Recommendation: That the City Council authorize staff to negotiate an agreement with Tulare County for the City to post “No Parking” signs and assume road maintenance between West Street and Westwood Street along the frontage of the Sports Complex.

The City Manager introduced the item and the Principal Civil Engineer, Baldo Rodriguez, gave the staff report.

Mr. Rodriguez addressed questions from the Council relating to the parking enforcement and the need to address the safety issues.

The Council addressed their concerns relating to the parking fee costs at the Sports Complex. They questioned the electric monitor, which the City Manager stated had not yet been ordered. The cost will be between $7,000 and $8,000, with an additional $2,000 to $3,000 to install. He added that the City expects to receive between $15,000 to $20,000 per year in revenue, with $11,000 to $12,000 having been received to date this fiscal year.

Council also asked that staff provide them with information from the Visalia and Tulare Sports Parks.
COUNCIL ACTION  MOVED by Council Member Hamilton, SECONDED by Council Member West that the City Council authorize Staff to negotiate an agreement with the County of Tulare for the City to post “No Parking” signs and assume road maintenance of Scranton Avenue between West Street and Westwood Street; but that staff also come back to Council with a report on the possibility of eliminating parking fees, and what impact such elimination of fees would have on the Sports Complex.

M.O. 08-041503

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

9. PORTERVILLE MUNICIPAL POOL

Recommendation: That the City Council continue this item until full negotiations have been completed with the swimming pool consultant.

Council Member Hamilton stated he asked that this item be pulled for discussion purposes. He asked what percentage of water loss the City was experiencing.

Parks & Leisure Services Director Gil Meachum responded that approximately 15 - 16% of water loss was occurring, but some of that loss of water was due to splash and backflushing.

Council Member Irish asked if staff had taken into consideration the cost of repairing the pool (estimated at over $1 million) versus the cost of building a new pool (over $2 ½ million). He also asked what the possibility would be for the City to build a pool at the community center.

Mr. Meachum responded it could lower the cost by $500,000 or so.

The City Manager stated that staff could look into the matter and report back to the Council. He stated that the request is to authorize staff to continue with negotiations and bring back more information. The community center site can also be questioned, as well as looking at demolition of the existing pool.

Mr. Meachum stated that the consultant is looking at repairing and replacing the pool; tying all three pools together and making it more of a recreational pool; and still maintaining a lap swimming area, diving board area and a play area.

COUNCIL ACTION  MOVED by Mayor Stadtherr, SECONDED by Council Member Irish that the Council continue this item until negotiations have been concluded, including the possibility of constructing a pool at the community center.

M. O. 09-041503  The motion carried unanimously.
Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – COMISION HONORIFICA MEXICANA-AMERICANA, INC. – CINCO DE MAYO FESTIVITIES

Mayor Pro Tem Martinez stated that he would be abstaining from this item.

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., for their annual Cinco De Mayo Celebration from Thursday, May 1, 2003, through Sunday, May 4, 2003, subject to the restrictions contained in Exhibit “A” of the Community Civic Event Application. (Staff noted not to approve the closure or staging area use of Thurman Avenue from Hockett Street to the east right-of-way of Division Street); and, authorize Fixed Route Bus Service to commence at 1:00 p.m. on Saturday, May 3, 2003.

Council Member Hamilton questioned staff about the noise level after 10:00 p.m., and whether the speakers at this event could be turned in a different direction to curtail some of the noise. He stated he didn’t want to add any additional conditions, only requested changing direction of the speakers or defining the method to reduce the sound levels past 10:00 p.m.

Pete McCracken, 341 E. Olive Avenue, addressed the Council and stated that the City has a sound ordinance that addresses this issue, and that applicants are required to complete amplification sound permits.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that Council approve this item.

M.O. 10-041503

AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: Martinez

Disposition: Approved.

SECOND READINGS

16. SECOND READING – ORDINANCE NO. 1629, ZONE CHANGE NO. 2-2003

Recommendation: That Council give Second Reading to Ordinance No. 1629, waive further reading, and adopt said ordinance.

The City Manager read the ordinance by title only.

Page 7 of 24
COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council waive further reading of the Ordinance.

Ordinance No. 1629

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council adopt Ordinance No. 1629.

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

17. SECOND READING – ORDINANCE NO. 1631, ZONE CHANGE NO. 1-2003 (HOLBROOK AND HUBBLE)

Recommendation: That Council give Second Reading to Ordinance No. 1631, waive further reading, and adopt said ordinance.

The City Manager read the Ordinance by title only.

Council Member West stated that he would be abstaining from this item.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez, that the Council waive further reading of the ordinance.

Ordinance No. 1631

AYES: Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: West

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council adopt Ordinance No. 1631.

Prior to the vote, Council permitted Jim Winton to address them, as he requested under Oral Communications. Mr. Winton stated that the Council had considered this pre-zoning at their April 1 meeting and added a condition that the site must conform to certain City standards, and the applicant was required to build a masonry wall. He added that the zone change was reconsidered without notification to the applicant. He stated that the applicant had not been noticed of the condition added to the zone change. Mr. Winton stated he has never found a zone change where an
on-site improvement was required for approval, and stated that the Council is not being consistent with past actions and is establishing a new requirement for zone changes that does not appear to be supported by the Zoning Ordinance. Mr. Winton also stated that on March 18, the Council, by motion, directed staff to file an annexation application with Lafco. On April 1 the condition was added to the zone change. The annexation will not be filed with Lafco until the wall is constructed by the applicant, making the order of approvals inconsistent.

Council Member Irish stated that it was his understanding that the zoning abutted the R-1 zone; and if they didn’t make changes now, that would never get done. He stated he didn’t feel there was enough of a buffer.

The City Manager stated there had previously been a first reading. The applicant was aware that the item was on the agenda, but changes do occur on said readings.

VOTE: AYES: Hamilton, Irish, Stadtherr
NOES: Martinez
ABSENT: None
ABSTAIN: West

Disposition: Approved.

18. SECOND READING – ORDINANCE NO. 1632, AMENDING SECTIONS OF CHAPTER 17

Recommendation: That Council give Second Reading to Ordinance No. 1632, waive further reading, and adopt said ordinance.

The City Manager read the Ordinance by title only.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member West that Council waive further reading and adopt the Ordinance No. 1632 ordinance. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

19. APPOINTMENT TO CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

Recommendation: That the City Council appoint either Mr. Hector Villicana or Mr. Reuben Fuentes to a one-year term on the CDBG Citizens’ Advisory and Housing Opportunity Committee.

The City Manager introduced the item, and Denise Marchant gave the staff report.
Council Member Irish stated that he had spoken to Reuben Fuentes, and he would be willing to serve on the Long-Range Planning Committee. Council Member Irish stated that he didn’t want to lose either one of these applicants.

Reuben Fuentes addressed the Council. He stated that he requested that the Council choose Mr. Villicana as the CDBG representative, and he approved of his nomination. Mr. Fuentes stated he would be looking forward to serving on another committee, such as the Long-Range Planning Committee.

Mr. Villicana addressed the Council. He stated that he is very interested in housing in this community and would like to be appointed to the committee.

The City Manager stated that staff would send an invitation to Mr. Fuentes to apply for membership on the Long-Range Planning Committee.

**COUNCIL ACTION**

MOVED by Council Member Irish, SECONDED by Council Member West that the Council appoint Hector Villicana to the CDBG Citizens’ Advisory and Housing Opportunity Committee.

M. O. 11-041503

AYES: West, Martinez, Hamilton, Irish, Stadtherr  
NOES: None  
ABSENT: None  
ABSTAIN: None

Disposition: Approved.

20. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF PROPERTY FROM TULARE VALLEY RAILROAD COMPANY – RAILS TO TRAILS PROJECT

Recommendation: That City Council:

1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;  
2. Adopt the Resolution of Necessity; and  
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

The City Manager introduced the item, and the City Attorney gave the staff report.

Ms. Lew stated that a four-fifths vote would be required on this item, and that testimony should be allowed from the owners, or their representatives.

Mayor Stadtherr opened this matter for public testimony at 8:17 p.m.
Greg Shelton, 888 N. Williford Drive, addressed the Council. He questioned whether this would be just for Henderson and South. His understanding was that it would go to Mulberry. He also said he had a concern about the price per square foot being negotiated, which is much lower than other square foot costs negotiated and under consideration by the Council.

Ms. Lew stated that the adoption of the Resolution of Necessity does not preclude further negotiations. She stated this item was to determine whether the City needed property and to go ahead with the condemnation in the event we cannot come to an agreement on price.

Mayor Stadtherr closed this matter to public testimony at 8:20 p.m., and asked for Council comments.

Council Member Hamilton stated that the earlier project did include Mulberry and wondered if the project had changed.

Gil Meachum responded that they had not yet negotiated that section, but they will be working on that section now. The last section has not been negotiated.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council adopt the Resolution of Necessity, and authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

Resolution 49-2003

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

21. ACCEPTANCE OF THE GRANITE HILLS STREETS PROJECT, PHASE 1

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion;
3. Authorize the release of the retention, minus the $8,000, thirty-five (35) days after recordation, provided no stop notices have been filed; and
4. Authorize expenditure of the cost of arbitration.

The City Manager introduced the item, and the Principal Civil Engineer gave the staff report. He stated that the City’s records indicate a significant length of the street where the appropriate moisture content was not achieved. He stated there was a section of street, approximately 800 feet in length, where testing was not done; however, that isn’t the only area where damage has occurred. He added that staff will be monitoring the project for the next few years, and the $8,000 requested will cover the expenses of City staff to get on the job and apply crack sealer.
Council Member Hamilton questioned the consultant’s method of determining the problem and asked whether another reason could have caused the damage.

The Principal Civil Engineer responded they would have to rely on the consultant’s analysis. They sometimes have a difference of opinion, but Kleinfeld offers other options – he does not disagree with the other consultant.

The City Manager stated he felt it was important to get to the bottom of the issue, and arbitration will determine where the fault lies. The arbitrator will come to a conclusion. The City Attorney then elaborated about the process.

Discussion continued about the timeline of cracks appearing and the requirements for moisture content. Mr. Rodriguez stated that there is no moisture requirement to be met. He added that relative compaction was to be obtained, and that is the responsibility of the contractor.

Mitch Brown, 27277 Avenue 196, addressed the Council regarding this matter. He stated he has had 17 plus years of experience of working with the City, and this is the first time he has ever had to come before the City Council concerning a problem. He read a letter explaining the situation in an attempt to clarify his position. He complained that the consultant upon whom the City was relying for an opinion never visited the site, he wasn’t given the plans and specifications, but received a great deal of input from Mr. See and the City Engineer. He added that on October 29, 2001, his crew noticed cracks, pictures were taken, and the City was notified in writing of the problem. He stated they brought the problem to the attention of the City prior to paving, but the City did not take any action.

Mr. Brown further stated that he has never had an argument with the City. He has always worked things out with the City staff. He stated he does not want the City, or himself, to spend time or money to arbitrate this issue. He requested that the City pay all of the money owed to his company on Phase 1. He added that he has saved the City $400,000 on the next phase. But he wouldn’t be saving the City money by turning around and getting blamed for something they didn’t do. He wouldn’t expect to get treated like this and wants his money. He cautioned that the City will have the same problem with Phase II as far as the design goes. He stated there are no fills below the lime grade. He added that this (the design) is not done too often and never been done in the City of Porterville where lime treatment is directly on asphalt.

Greg Shelton, 888 N. Williford, stated after hearing the discussion, it sounded to him like it was a design flaw.

Mr. Rodriguez stated that Mr. See has over 20 years of experience. He added that one of the reasons this would be going to arbitration is because it is a unique project. He stated that on a good portion of the street that was completed, they haven’t experienced any cracks. The question about the “no fill” needs to be worked out through arbitration.

The City Manager stated that the proposed recommendation was to engage an arbitrator largely because this is a complex area. He stated it needs close scrutiny because there are legitimate
issues on both sides. He estimated that arbitration could cost about $10,000. He stated that the basis is really important and why the recommendation is made. The review of the design and where the responsibility lies are the issues. He felt it was much more important than the amount of money involved.

Mayor Stadtherr stated that the road is in and whose fault it was is a moot point. He stated the City should see what lessons it can draw from Phase I and take into Phase II.

Council Member Irish stated he felt the $8,000 is a moot point. He stated that Mr. Brown’s reputation alone has to stand for something. He stated he kind of agreed with the Mayor. The City should pay the bill, not incur another $10,000, and then just not make the same mistake on Phase II.

The City Attorney stated that with this kind of arbitration, there would be a construction expert. It would be good to definitively know what to do with Phase II – that could be useful.

Council Member Irish stated it makes sense to him to pay the bill, get a third party consultant, and find out if there is a problem, and not run into this problem again.

The City Attorney added that the Public Contract Code does provide that the City can withhold 150% of the disputed amount. They could accept the project minus the disputed amount, pending further review. This was purely an option.

Mr. Brown stated that the reason they are able to give good prices is because they have good subs, and he needs to disburse those funds to continue to get good subs.

**COUNCIL ACTION**

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council accept the project as complete, and authorize the filing of the Notice of Completion.

M. O. 12-041503

| AYES: | West, Martinez, Hamilton, Irish, Stadtherr |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council accept the project as complete and release the retention.

| AYES: | West, Martinez, Hamilton, Irish, Stadtherr |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

The Council further directed staff to look into what we can learn for Phase II, even if it involves stopping the project, and that the City be more strict on inspections.
22. INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE
PROHIBITING THE ISSUANCE OF NEW AUTHORIZATIONS FOR ALCOHOL
SALE OR CONSUMPTION

Recommendation: That the City Council:
1. Adopt the Interim Urgency Ordinance prohibiting the issuance of new
authorizations for the sale or consumption of alcohol;
2. Adopt Option No. 3 for the establishment of a committee to review the
current standards and make recommendations on proposed new
standards.

The City Manager introduced the item, and the Associate Planner, Randy Rouda, gave the
staff report.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member
West that the Council adopt the Interim Urgency Ordinance prohibiting
the issuance of new authorizations for the sale or consumption of
alcohol, and adopt Option No. 3 for the establishment of a committee to
review the current standards and make recommendations on proposed new
standards.

Dick Eckhoff addressed the Council referencing his request to include one of the
representatives on the committee being selected from the Downtown Merchants Association.

Prior to the vote, the following amendment was introduced:

MOVED by Council Member Irish, SECONDED by Mayor Pro Tem
Martinez that the original motion be amended to include one member
from the Downtown Merchants Association be appointed to the
committee. The motion carried unanimously.

The vote on the original motion was then taken:

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

The City Manager then read the Ordinance by title only.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member
Hamilton that the Council waive further reading of the Ordinance.
AYES: West, Martinez, Hamilton, Irish, Stadtherr  
NOES: None  
ABSENT: None  
ABSTAIN: None  

Disposition:  Approved.

23. AMENDMENT OF THE CITY OF PORTERVILLE TRUCK ROUTE MAP

Recommendation: That the City Council approve Option No 1, subject to the condition, and designate an amount for the deposit.

The City Manager introduced this item, and the Principal Civil Engineer, Baldo Rodriguez, gave the staff report.

Mayor Pro Tem Martinez stated that as a courtesy, maybe the Council should notify the property owners in that area.

COUNCIL ACTION MOVED by Mayor Pro Tem Martinez that this item be postponed until the next Council meeting in order to notify property owners in the area.

The Motion failed for lack of a second.

Council questioned staff as to how guidelines will be determined to set the amount of the requested deposit.

Mr. Rodriguez stated he would recommend starting off with the very minimum; asking that Field Services review the records to check the frequency, then in subsequent years looking at the increases. The amount could then be set on the actual work performed by City staff to repair the streets.

COUNCIL ACTION MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the City Council approve Option No. 1, subject to the condition, and designate $500 as the amount of the deposit, with staff reporting back whatever increases may be necessary within the next year.

M.O. 14-041503  
AYES: Hamilton, Irish, Stadtherr  
NOES: West, Martinez  
ABSENT: None  
ABSTAIN: None  

Disposition:  Approved.
24. CONSIDERATION OF A STRATEGY TO ADDRESS CASH IMBALANCES IN THE CITY’S WASTEWATER TREATMENT FUND

Recommendation: That the City Council:
1. Approve, in concept, subject to the public hearing, the rate increases proposed;
2. Set June 3, 2003, for a public hearing regarding increase of sewer monthly rates, connection fees and the industrial pretreatment permit fee; and
3. Authorize staff to present the schedule contained herein to the Regional Water Quality Control Board.

The City Manager introduced the item, and the Principal Civil Engineer, Baldo Rodriguez, gave the staff report.

Council Member Irish asked if this would affect the car washes and whether they would have to pay for their run-offs. He also questioned what the impact would be on student car washes.

Mr. Rodriguez responded that it would affect them as a good portion is running into the storm drain. Very little is being sent into the treatment plant to be treated.

The City Manager suggested asking Bartle Wells at the time of the public hearing for their recommendation. Possibly a special event fee could be charged. He added it was necessary to adjust the rates to improve the treatment process so the City can meet the requirements of the outstanding cease and desist order. He stated that this item was requesting the Council to establish a hearing date and indicate conceptually that Council indicates their support for the adjustment of the fees. He added that the staff report will be coming before the Council, and the staff will be prepared to inform the public of the necessary overall increases.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council:

M.O. 15-041503  1. Approve, in concept, subject to the public hearing, the rate increases proposed;
M.O. 16-041503  2. Set June 3, 2003, for a public hearing regarding increases of sewer monthly rates, connection fees, and the industrial pretreatment permit fee; and
M.O. 17-041503  3. Authorize staff to present the schedule contained herein to the Regional Water Quality Control Board.

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.
REQUEST FOR COUNCIL DIRECTION TO ESTABLISH FUNDING FOR THE EXCELLENCE IN BUSINESS DINNER

Recommendation: The City Manager recommends that for the coming Fiscal Year, $8,600 be allocated to support the continuation of the Excellence in Business Event and that $4,000 be used initially as a budgetary hedge and then allocated for the Economic Development Travel Team. If the recommendation is approved, the Chamber Chief Executive Officer should be authorized to proceed with the planning and development of the 2003 Excellence in Business. As in past years, the Chamber’s Economic Development Committee would select the five award recipients.

The City Manager gave the staff report.

Mayor Pro Tem Martinez stated he would like to see the event take place closer to Porterville. He added he would like to see other options investigated closer to town to give back to the local businesses. He stated he would also like to try to develop the event where more people can honor those businesses.

Mayor Stadtherr stated that during the campaign, a great deal was discussed about needs and wants. He added that if the City Manager was confident with what we know now about the Governor’s latest budget plan, there will be funds available for this event, and there would be nothing more pressing that would have to take claim to this money, then that was OK.

The City Manager stated that this is a sufficient priority and the $8,600 level should be funded for this coming year. He added it would be allocated towards the preparation of the video, meal costs, support for the tickets, etc.

Council Member Hamilton talked about the $4,400 being allocated for the travel team. He said we are paying about $16,000 a year to the EDC, and now we’re wanting to redistribute these funds for our own use. He added he wasn’t sure what the City got out of the $16,000, and that probably will be discussed, and then there’s another $10,000 for the Workforce Investment Board.

Council Member Irish asked how much the City spent to get the Home Depot here. He stated if we create a business atmosphere in this town, other businesses will look at this and they have in the past. He added that it is just as much of a good selling tool if we don’t cut corners. He added that he would like to see a first-class event, and the Chamber has done a first-class job on this event all along, and he would like to keep going in that direction.

Council Member West stated that the Chamber is supposed to be paying for their own way like everybody else does.

Council Member Hamilton stated the City requested this six years ago and asked the Chamber to take this on because it was cost effective. It is contractual. He stated that this is a City function. He added that tax revenues and the VLF – most come from the small businessmen in this
town. He added that we give them back a lousy $12,000 to tell them we appreciate they’re here. He stated it’s well worth it.

Donnette Silva-Carter addressed the Council. She stated this is a City of Porterville event coordinated by the Chamber of Commerce. It was established because City Council and City staff asked the Chamber to assist them to develop an event to show what businesses do to create economic vitality. She added that a lot of other businesses applaud themselves as well as the ten honored businesses. It’s an event to make people feel good about doing business in Porterville. She added that as far as the venue is concerned, they have looked at other venues. The feedback has not been positive. There just isn’t a lot available to us in the way of other venues. They will be asking for nominations, as in the past, and a nomination form will also be available in the newspaper this year. The Chamber has its own annual awards banquet, and the Chamber does not make any money on this event. She stated she really believes this is an outstanding event, and the Chamber Board invests its own time and money to make it happen. She stated this year the tickets will have to be raised to $35 to break even. The City funding mainly supports the extensive video production. Everything else is paid for through the event and by the number of people who sponsor the event. She stated that the Chamber and the City Manager’s Office have both received calls from the community in the past, but this year they plan to take it one step further. They will be publishing a form for additional input. This is the way we say thank you to the businesses in Porterville for choosing to do their business in Porterville. As far as the facility, River Island is a classy facility and the businesses seem to want the event to take place there. There are between 450 and 600 attendees.

Felipe Martinez, 161 W. Putnam Avenue, addressed the Council. He stated he felt this is an excellent venue. He has attended the event the last two years, and wanted the Council to know that River Island is also a member of the Porterville Chamber of Commerce. He stated he is Chairman of the Hispanic Chapter, and also a member of the Porterville Chapter, and they’re doing exactly what they’re supposed to be doing – honoring business people.

Mayor Stadtherr stated that no one questions the value of the dinner. His only concern as a taxpayer and small business owner was wise stewardship of this money. He was afraid of what may happen four to six months from now when the City may need to cut things. But he added that if the City Manager is confident that the City can handle that, he saw no reason why we shouldn’t go ahead with the recommendation.

Council Member Hamilton stated he would like to discuss the travel team funding at a budget meeting.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the City Council allocate $12,000 to the Chamber of Commerce to support the Excellence in Business event.

M. O. 18-041503

AYES: Hamilton, Irish, Stadtherr
NOES: West, Martinez
ABSENT: None
ABSTAIN: None

Disposition: Approved.

26. CONSIDERATION OF MODIFICATIONS TO CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: The request is for the Council to determine whether to amend the City Council Procedural Handbook to include the items requested.

The City Manager gave the staff report.

Council discussed the various amendments.

COUNCIL ACTION MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez that the Council approve leaving Item “I” in the Procedural Handbook.

AYES: West, Martinez, Hamilton, Stadtherr
NOES: Irish
ABSENT: None
ABSTAIN: None

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council adopt all sections - D, E, G, H and P, together with the addition of Item 1.

Reso. No. 50-2003

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

27. PARKS AND LEISURE SERVICES YOUTH REPRESENTATIVES

Recommendation: Council’s determination.

The City Manager introduced the item, and the Director of Parks and Leisure Services gave the staff report. Mr. Meachum reviewed and discussed the various options outlined in the staff report relating to the appointment of adding youth representatives to the Parks and Leisure Services Commission.
COUNCIL ACTION MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council appoint four Ex Officio youth members, one from each high school, and an additional youth representative from Porterville College, all of whom would advise only without a vote. Additionally, the Council will re-assess the appointments in October, 2003, prior to the expiration of terms for the Commissioners whose terms expire in October, 2003. The motion carried unanimously.

Disposition: Approved.

28. ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE CORE AREA CURBS, GUTTERS AND SIDEWALKS PROJECT

Recommendation: That the City Council:

Adopt the resolution approving a Negative Declaration for the City of Porterville curb, gutter and sidewalk project.

The City Manager introduced the item, and the Associate Planner, Randy Rouda, gave the staff report.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member West that Council adopt the Resolution approving a Negative Declaration for the City of Porterville curb, gutter and sidewalk project.

Resolution 51-2003

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

29. CALL CENTERS – CITY CODE INTERPRETATION

Recommendation: That the City Council select Option No. 3 to provide clarification to the existing code and direct Staff to undertake a Zoning Ordinance Amendment.

The City Manager introduced the item, and the Associate Planner, Randy Rouda, gave the staff report.

After a brief discussion, Council took the following action:

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council select Option No. 3 to provide clarification
to the existing code and direct Staff to undertake a Zoning Ordinance Amendment.

M. O. 20-041503

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

30. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE MUSEUM BIKE (MOTORCYCLE) SHOW FUND RAISER WITH BEER GARDEN - AUGUST 16, 2003

Recommendation: That the Council approve the Community Civic Event application and Agreement from Porterville Museum for a bike (motorcycle) show fund raiser on Saturday, August 16, 2003, if modified in the following manner:

1. Eliminate the beer garden component of the fund raiser at Murry Park and make it subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement; or,

2. Move the event to the Municipal Ball Park on Saturday, August 16, 2003, subject to insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

The City Manager introduced the item, and the Director of Administrative Services, Darrel Pyle, gave the staff report. Mr. Pyle stated that the applicant has requested to address the City Council relating to this item, but had indicated they are agreeable to modifying their event date from August 9 to August 16.

Jerry Lynch, 1490 N. Atkins Way, addressed the Council as Vice President of the Porterville Historical Museum and Co-Chair of the event. He stated they would request that the Council make a decision at this meeting. He stated that the Museum is experiencing financial hardships; and they, as well, were attempting to meet biker requests relating to the event. He added that the Porterville Breakfast Lions had committed to running the beer garden portion of the event.

Mayor Stadtherr at that point stated he didn’t realize that he had a potential conflict of interest with this item, and excused himself from any further participation relating to this item.

Mr. Lynch stated they felt Murry Park was a better atmosphere for location of the event. Highest attendance for one day of the event was approximately 250 people. He stated they were requesting use of the entire Murry Park area from 8:00 a.m. to 8:00 p.m.
Council Member Hamilton stated he would recommend security guards be present and that the beer garden close by 4:00 p.m.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council approve the Community Civic Event Application and Agreement for use of Murry Park, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement; and with the further added conditions that two security guards be present at the event, and that the beer garden close by 4:00 p.m.

M.O. 21-041503

AYES:    West, Martinez, Hamilton, Irish
NOES:    None
ABSENT:  None
ABSTAIN: Stadtherr

Disposition:  Approved.

31.  COMPLIANCE PROCEDURES FOR SB 564 AND SB 866 AND RESOLUTION OF AFFIRMATION OF INVESTMENT POLICY

Recommendation: That City Council adopt a Resolution accepting the Statement of Investment Policy in accordance with SB 564 and SB 866.

The City Manager introduced the item, and the Administrative Services Director gave the staff report.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that the City Council adopt a Resolution accepting the Statement of Investment Policy in accordance with SB 564 and SB 866.

Resolution 52-2003

The motion carried unanimously.

Disposition:  Approved.

32.  QUARTERLY PORTFOLIO SUMMARY

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

The City Manager introduced the item, and the Administrative Services Director gave the staff report.
COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866.

M. O. 22-041503

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

33. INTERIM FINANCIAL STATUS REPORT

Recommendation: Accept the interim financial status reports as presented.

The City Manager introduced the item, and the Administrative Services Director gave the staff report. He outlined, in detail, the status report of the City accounts.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the City Council accept the interim financial status reports as presented.

M.O. 23-041503

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

ORAL COMMUNICATIONS

Dick Eckhoff, 30 E. Oak, addressed the Council regarding the issue of parking at the Sports Park. He stated that enforcement there is different from the timed parking enforcement along Olive Avenue. He also stated that sound levels at various functions should all be properly enforced; and added that River Island is a local business.

OTHER MATTERS

There were no Other Matters.

COUNCIL COMMENTS

Council Member West questioned whether police and fire services could legally be provided outside of the City limits. Staff responded it would be out of the City’s jurisdiction.

Mayor Pro Tem Martinez stated he looks forward to attending the Excellence in Business event to gain a better understanding and appreciation of its focus. He also extended his services to go out and speak to the public in an effort to gain an awareness of the public’s needs and wishes.
CLOSED SESSION
The Council adjourned at 11:18 p.m. to the Closed Session, and reconvened at 11:40 p.m.

ADJOURNMENT
The Council adjourned at 11:40 p.m. to May 6, 2003.

Georgia Hawley, Deputy City Clerk

SEAL

Richard M. Stadtherr, Mayor