Call to Order: 7:00 p.m.
Pledge of Allegiance: Council Member Kelly West
Invocation: Children’s Pastor Barbie Coulter, Porterville Church of the Nazarene
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PROCLAMATIONS

“PORTERVILLE CENTENNIAL” - May 10, 2003

Darren Griswold, Chairperson of the Chamber Centennial Committee, stated that this proclamation would be placed in the time capsule on Saturday. He stated that they were also collecting business cards for the time capsule. Mr. Griswold invited the Council to the Chamber Mixer this Thursday at the Bank of the Sierra.

Donnette Silva-Carter, Porterville Chamber of Commerce Executive Director, came forward and introduced George Sutton. Mr. Sutton presented the Council with two iris bulbs he had developed—the Porterville Centennial Iris, and the Porter Putnam Iris.

"PORTERVILLE DEVELOPMENTAL CENTER DAY" - May 12, 2003

Clydella Graves accepted the proclamation on behalf of the Porterville Development Center and invited the Council to attend their event at 1:30 p.m. on Monday, May 12.

“SENIOR CITIZEN DAY” - May 14, 2003

Council Member West read the proclamation and then accepted it on behalf of the seniors.

“TEEN PREGNANCY PREVENTION MONTH” - May, 2003

Janet Heddinger, school nurse with Tulare County Office of Education, and Coordinator for the Community Challenge Grant Program for Tulare County, and Marsha Movey, representing Health and Human Services Agency Teen Smart Outreach came forward to accept the proclamation. The introduced four students from Tulare Tech Prep High School and Health Careers Academy who spoke about their program.

ORAL COMMUNICATIONS

• Gerald Eoff, 752 E. Putnam, asked to speak during Item 30, and was told that it would be open to the public.

• Randy Gray, 49 West Hemlock, owner of Gray’s Air Conditioning, 482 South Plano, asked Council to require the City Building Department to file complaints against licensed air conditioning, plumbing
and electrical contractors who operate without purchasing permits. He stated that he would like Council to consider pulling their licenses when it occurs.

The City Manager stated that staff would provide a memorandum relative to the issue to the Council, then if Council wishes the item on the agenda, it would be placed on the agenda.

- Roberto Velasquez Cordero spoke on the need for the City to put Putnam Avenue all the way through to Granite Hills High School because of safety issues.

Mayor Stadtherr asked Mr. Velasquez for a copy of his letter.

The City Manager stated that a letter with the cost of developing Putnam Ave was being sent to Mr. Velasquez this week, and Council would get a copy of that letter.

- Carmen Martinez Eoff, 752 E. Putnam, and Maria Reyes, 330 N. Larsen, came forward and spoke about the possibility of closing the Municipal Pool, and their opposition to that closure.

- Nicki Edwards, 13096 Road 208, came forward and invited the Council, staff and audience to attend a meeting on May 19, 6:00 p.m., at the Porterville Memorial Building on Olive Avenue to hear Cheryl Schmidt, Founder and Director of Stand Up for California, speak on the impact of Indian casinos on surrounding communities.

- Dick Eckhoff, 30 East Oak, spoke on the success of Yellow Ribbon Day. He stated that in the March 19 Council Minutes, page 1, last paragraph, it stated that the prohibition takes place after the Council was sworn in, but according to his information on the Brown Act, members elect are covered by the Brown Act. He stated that on the April 18 Minutes, Item 21, page 13, the name of the Principal Civil Engineer was not noted, and on Item 30 there was no mention of who the Mayor turned the meeting over to when he had to abstain. Mr. Eckhoff questioned Item 7, and whether IMSA membership included insurance, and if so, was it a primary insurance. He spoke briefly on the Chamber Fair Kick-Off Mixer at the Bank of the Sierra on Thursday evening.

- Bob Keenan, Executive Vice-President of the Building Industry Association of Tulare and Kings Counties, 315 W. Oak, Visalia, handed out copies of the Economic Benefit of Housing in California Study prepared by the Sacramento Regional Research Institute as a joint venture with the Sacramento Area Commerce and Trade Organization and California State University, Sacramento. He stated that new home construction contributed $40 billion to California’s economy, with 359,000 jobs, and constitutes 3% of the economy. He stated that the entire industry was $257 billion a year, and 821,000 jobs, and was 13% of the State’s economy. He stated that just this area alone had $231.8 million in industry output, and 2200 jobs.

CONSENT CALENDAR

Items 1, 7, 8 and 25 were removed from the Consent Calendar.

2. CLAIM - ROBERT VANDERHORST

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. 01-050603
3. CLAIM - LLOYD FERGUSON

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. 02-050603

4. CLAIM - SEQUOIA INSURANCE

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. 03-050603

5. CLAIM - JACQUELINE CUEN

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. 04-050603

6. CLAIM - SASHA WESSITSH

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. 05-050603

9. ACCEPTANCE OF THE TRAFFIC SIGNAL NO. 6 PROJECT

Recommendation: That City Council:
1. Accept the Traffic Signal No. 6 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.

Disposition: Approved.
Document No.: Minute Order No. 06-050603

10. THIS ITEM HAS BEEN REMOVED.

11. ACCEPTANCE OF COUNTER OFFER BY THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS FOR PROPERTY LOCATED AT 837 E. MORTON AVENUE

Recommendation: That the City Council:
1. Authorize staff to make payment to the Church of Jesus Christ of Latter Day Saints (LDS) in the amount of $4,500;
2. Accept the LDS Church’s offer of $500 to cover the cost to act on the Intent to Abandon a portion (0.17 acres) of Morton Avenue as described in Agenda Item No. 12;
3. Authorize the Mayor to sign all documents; and
4. Authorize staff to record all documents with the County Recorder.

Disposition: Approved.
Document No.: Resolution 53-2003

12. NOTICE OF INTENT TO ABANDON A PORTION OF MORTON AVENUE (CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS)

Recommendation: That City Council:
1. Pass a Resolution of Intent to abandon that portion of Morton Avenue in front of the Church of Jesus Christ of Latter-Day Saints (837 E. Morton Avenue); and
2. Set the Council meeting of June 3, 2003, as the time and place for a public hearing.

Disposition: Approved.
Document No.: Resolution 54-2003

13. CALTRANS PROGRAM SUPPLEMENT NO. 898 ON TULE RAILS TO TRAILS PEDESTRIAN WALKWAY AT OLIVE, PUTNAM, MORTON AND HENDERSON AVENUE

Recommendation: That City Council:
1. Adopt the draft resolution authorizing the Mayor to execute the Program Supplement on behalf of the City of Porterville; and
2. Return two copies to the state office for their signature.

Disposition: Approved.
Document No.: Resolution 55-2003

14. SETTING A DATE FOR A PUBLIC HEARING FOR CONSIDERATION OF REVISIONS TO THE SEWER USE ORDINANCE

Recommendation: That the City Council set a date of June 17, 2003 to hold a Public Hearing to consider comments on the proposed revisions to the Sewer Use Ordinance.

Disposition: Approved.
Document No.: Minute Order No. 07-050603

15. THIS ITEM HAS BEEN REMOVED.

16. APPOINTMENT OF HOUSING ELEMENT TASK FORCE

Recommendation: That the City Council confirm the appointment of Joyce Crawford, Bev Cline, Gabriel Gomez, David Tyrrell, Ignacio Molar, Mike Haskins, Boyd Leavitt, Mike
Martinez, Cari Kemp, and Jeremy Williams to the Housing Task Force.

Disposition: Approved.
Document No.: Minute Order No. 08-050603

17. RESOLUTION AUTHORIZING CONTINUED INVESTMENT OF CITY MONIES INTO THE LOCAL AGENCY INVESTMENT FUND (LAIF) AND DESIGNATING TRANSACTION OFFICERS

Recommendation: That the City Council adopt the attached resolution reaffirming the investment of the City’s monies in the Local Agency Investment Fund (LAIF) and designating transaction officers.

Disposition: Approved.
Document No.: Resolution 56-2003

18. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE CENTENNIAL CELEBRATION FINALE PROCESSION, MAY 10, 2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce for the Centennial Celebration Finale - Procession, on Saturday, May 10, 2003, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

Disposition: Approved.
Document No.: Minute Order No. 09-050603

19. APPROVAL FOR COMMUNITY CIVIC EVENT - ANNUAL PORTERVILLE FAIR, MAY 14-18, 2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board for the street closures as described, from May 14 to May 18, 2003, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

Disposition: Approved.
Document No.: Minute Order No. 10-050603

20. AIRPORT LEASE - LOT 49A (B. MICHAEL & ELAINE WALL)

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. 11-050603
21. CONTROL BURN AGREEMENT FOR TRAINING

Recommendation: That the City Council
1. Approve the attached agreements between the City of Porterville and Smee Builders Inc.
2. Authorize the Mayor to sign the control burn agreement.

Disposition: Approved.
Document No.: Minute Order No. 12-050603

22. OFFICE OF EMERGENCY SERVICES, AGREEMENT FOR TEMPORARY TRANSFER OF VEHICULAR EQUIPMENT, AGREEMENT FOR USE OF RADIO EQUIPMENT, AND ASSIGNMENT OF EQUIPMENT

Recommendation: That the City Council
1. Approve the attached agreements between the City of Porterville and the Office of Emergency Services for the use of O.E.S. Engine #298.
2. Authorize the Mayor to sign the agreements.

Disposition: Approved.
Document No.: Minute Order No. 13-050603

23. TRAILER DONATION

Recommendation: That the City Council approve the donation of one construction trailer model G8-824 from Elite Landscaping.

Disposition: Approved.
Document No.: Minute Order No. 14-050603

24. TRANSIT CENTER FACILITY AND OPERATIONAL MODIFICATIONS

Recommendation: That the City Council:
1. Approve the rent structure for the Transit Center in the amount of $600 per month for Sierra Management and $125 per month for Orange Belt Stages;
2. Authorize the City Attorney to prepare rental agreements between the City of Porterville and Sierra Management, and the City of Porterville and Orange Belt Stages, and authorize the Mayor to execute said rental agreements on behalf of the City of Porterville;
3. Approve the staff recommendation to eliminate the flag stop policy for the Fixed Route bus system, and formalize bus stop locations to improve on-time performance; and
4. Adopt the Title VI document required by the Section 5311 program and authorize the Mayor to execute said document.

Disposition: Approved.
Document No.: Minute Order No. 15-050603

25A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 655 N. NEWCOMB AVENUE

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve Item Nos. 2 through 6, 9 through 24, and 25a of the Consent Calendar.

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

1. MINUTES OF MARCH 19, 27 AND APRIL 15, 2003

Mayor Stadtherr stated that he wished to amend the minutes of April 15, Item 25, paragraph 11, to change the second sentence to read “He stated that the concerns of taxpayers and small business owners would be wise stewardship of this money”.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Martinez that the Council approve the Council Minutes of March 19 and 27, and April M.O. 16-050603 15 as amended. The motion carried unanimously.

Disposition: Approved.

7. OHV GRANT PROGRAM

Recommendation: That the City Council adopt a resolution approving the grant application entitled Porterville O & M for Fiscal Year 2002-2003, and approve the 2003-2004 OHV Budget.

The City Manager introduced the item and the Parks and Leisure Services Director gave the staff report and responded to Mr. Eckhoff’s question about the IMSA.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that the City Council adopt a resolution approving the grant application entitled Porterville O & M for Fiscal Year 2002-2003, and approve the 2003-2004 OHV Budget. The motion carried unanimously.

Disposition: Approved.
8. 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.

The Council directed staff to check into joint purchasing of books with the local schools for better discounts.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Martinez that the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery. The motion carried unanimously.

Disposition: Approved.

25. SELECTION OF CITY VOTING DELEGATES TO LEAGUE OF CALIFORNIA CITIES MEETING

Recommendation: That Council select the Mayor as the voting delegate and the Mayor Pro Tem as the voting alternate to represent the City at the League of California Cities’ meetings, and direct the staff to notify the League.

Council clarified that no one else on the Council wished to serve. Mayor Pro Tem Martinez stated that he could not be able to attend the May 15 meeting.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council select the Mayor as the voting delegate and the Mayor Pro Tem as the voting alternate to represent the City at the League of California Cities’ meetings, and direct the staff to notify the League. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

26. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT #25

Recommendation: That the City Council, upon a favorable vote from the property owners, approve the Resolution Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 25.

The City Manager presented the item, and the Director of Parks and Leisure Services gave the staff report.

Mayor Stadtherr opened the public hearing at 7:57 p.m.

Lois Ennis, 1148 West Glenn Court, came forward and stated that she hoped the property owners voted in favor of this District.
Mayor Stadtherr closed the hearing to the public at 7:59 p.m. when no one else wished to speak.

The Mayor asked if there were any ballots to be submitted, but no more were submitted.

The City Manager then presented the Statement of Votes for District 25, Casas del Rio:

Lots: 36 (82 City-owned lots not included in vote)
Ballots Received: 24

Question 1. Do you approve the proposed formation of District No. 25 and the assessment described for the parcel identified in the ballot?

Yes Votes: 23
No Votes: 1
Percentage in Favor: 95.8%
Percentage in Opposed: 4.2%

Question 2. Do you approve of the proposed CPI based on the adjustment of goods and services as determined by the San Francisco Consumer Price Index?

Yes Votes: 22
No Votes: 2
Percentage in Favor: 91.7%
Percentage in Opposed: 8.3%

Mayor Stadtherr closed the public hearing at 8:02 p.m.

COUNCIL ACTION
MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve the Resolution Ordering the Improvements and Resolution 58-2003 the Formation of Landscape and Lighting Maintenance District No. 25. The motion carried unanimously.

Disposition: Approved.

27. ZONE VARIANCE 1-2003 (LIONAL CANERDAY)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration prepared for Zone Variance 1-2003 and Tentative Parcel Map 1-2003.

The City Manager presented the item, and the Community Development Director gave the staff report. The Community Development Director stated that Council should go ahead and approve the resolution for the Negative Declaration, even if they denied the variance, so the applicant could modify their map to conform with the Code and continue with the project.

Mayor Stadtherr opened the public hearing at 8:05 p.m. and asked those in favor to come forward.

Bill Roberts, 342 North Third Street, came forward and spoke in favor of the variance. Mr. Roberts expressed the applicant’s concerns about taking additional footage from the dwellings. He asked the Council
to approve the variance. Mr. Roberts stated that they were proposing to mediate the variance by putting in fire walls, and having the variance only along a small portion of the lot line where it was necessary.

The Mayor then asked those in opposition to come forward.

James Cone, 382 East Morton, spoke in opposition to this proposed variance, and he presented a petition from adjacent property owners on Morton and Plano who were also in opposition to the variance.

Mr. Roberts stated that they were trying to convert an older home and save it, and the circumstances were different.

Mayor Stadtherr closed the hearing to the public at 8:10 p.m. when no one else wished to speak.

Council questioned staff about building requirements.

Council Member West stated that the City Manager, and whoever, should go over there with Mr. Roberts and resolve this issue, and then bring back a viable solution to the next Council meeting.

Mayor Stadtherr closed the public hearing at 8:20 p.m.

Council Member Irish stated that he would like to see the building inspector go to the meeting.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council direct the City Manager, or His Designee, to go over there and meet with the owner, or his representative, and come back on April 20, 2003, with a viable solution. The motion carried unanimously.


28. ADOPTION OF THE 2003/2004 ACTION PLAN FOR INVESTMENT OF CDBG ENTITLEMENT FUNDS

Recommendation: That the City Council:
1. Conduct a public hearing to solicit comments on the 2003/2004 Action Plan;
2. Adopt the 2003/2004 Action Plan resolution of approval; and
3. Authorize the City Manager to execute all necessary documents.

The City Manager presented the item, and the Community Development Director gave the staff report.

Mayor Stadtherr opened the public hearing at 8:30 p.m.

Gerald Eoff, 752 East Putnam Avenue, came forward and stated that he hoped the Council would take the CDBG Committee’s recommendation, as it was a good plan.

Mayor Stadtherr closed the hearing to the public at 8:31 p.m. when no one else wished to speak.

COUNCIL ACTION

MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member West that the Council adopt the 2003/2004 Action Plan resolution of approval, and authorize the City Manager to execute all necessary documents. The motion carried unanimously.
Disposition:  Approved.

The Council took a recess from 8:32 to 8:40 p.m.

SCHEDULED MATTERS

30. AWARD OF CONTRACT - DESIGN SERVICES FOR MURRY PARK POOL

Recommendation: That the City Council:
1. Authorize Staff to negotiate a services agreement with Jones & Madhavan for Option B;
2. Authorize the Mayor to sign all contract documents; and
3. Authorize Staff to make payments up to 100% upon satisfactory completion of the work.

The Mayor allowed members of the audience to speak on this matter.

Stephanie Meyerson, 881 South Cottage, stated that she was a fifth grade teacher and she had concerns about closing the pool. She presented four of her students, Angel Cordero, Sergio Tapia, Hector Commeros, and Issac Hispania who addressed Council and asked them to keep the pool open.

The City Manager introduced the item, and Hal Hill, Acting Public Works Director, gave the staff report. Gil Meachum, Parks and Leisure Services Director, then presented a few elevations to show one potential pool type that could be used to replace the present facility, if Council choose Option B.

At the Mayor’s request, Dr. John Snavely, Superintendent of the Porterville Union School District, came forward to address the question of a joint facility with the schools. Dr. Snavely stated that he did not see any relationship for a joint pool area at their joint school/neighborhood community center facility. He stated that from an educational, school district standpoint, either location was workable, and they supported it.

Peter Dutton, 38225 Highway 190, Springville, stated that the recreational needs of the community have grown in the last fifty years, and more than one pool was needed. He stated that this was a quality of life issue, and a safety issue for the children.

Gerold Eoff, 752 East Putnam, came forward and strongly urged the Council to use the money available through CDBG to restore the existing pool complex at Murry Park. He urged the Council to also consider new swimming pools on the east side.

Dick Eckhoff, 30 E. Oak, stated that one concern was less demand, but he would like to see the City maintain the pools at Murry Park. He questioned the cost of the water slide, and stated that perhaps there were service organizations that would contribute to the water slide. He questioned what the maximum depth and area of the diving area would be at the proposed pool, and what the instructional capabilities of the pool would be, both in area and availability time-wise.

Nicki Edwards, 13096 Road 208, stated that she would like to see the small children segregated from the rest of the kids for safety. She stated that she would like to see Council choose to refurbish the present pools, and possibly look at an additional pool in another area.
Mr. Meachum stated that the pool would be 9'6" in the diving area, and the slide area would be between 3' and 4'. The cost of the water slide was approximately $175,000.

Council Member Irish stated that no one wanted to close the City’s only pool--they just wanted to look at options. He questioned the upkeep costs of the present pool and of a new pool.

Mr. Meachum stated that they felt the maintenance would be a wash, but with additional attractions such as the water slide, it would bring in more revenue. He stated that they may be able to save money on one large pool. He stated that there would be a line between the zero depth area and the more populated area of the pool for the protection of the smaller children. He stated that there would be more recreational opportunities that would encourage the kids to get into the water. Mr. Meachum stated that they would still offer swimming instruction, and there was an area for lap swimming, and adult aerobics. He stated that they would be holding public meetings regarding what the public wanted in the facility.

Council discussed the various options, and expressed their concerns about the safety of the smaller children with one pool. Council also expressed concerns about funding overrides, and where additional monies would come from. Council clarified that any prospective overrides would be brought before the Council, although the staff was projecting that there would not be any overrides.

Mayor Pro Tem Martinez suggested selling pieces of the old pool to raise funds.

Mr. Meachum stated that the pool could be designed to address these concerns.

Council suggested doing a tour of facilities with this type of concept pool.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council authorize staff to negotiate a services agreement with Jones & Madhavan for Option B; authorize the Mayor to sign all contract documents; and authorize staff to make payments up to 100% upon satisfactory completion of the work; with staff to do what it can in the negotiations to include some of the safety concerns brought forward. The motion carried unanimously.

The City Manager pointed out that Murry Park was 95 years old and would be coming up on its own centennial soon.

Council Member Irish stated that it would be interesting to find out the pros and cons of opening up Murry Park’s road again. The City Manager stated that the Council would be provided a memo on that matter.

Disposition: Approved.

29. COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM - PRODOCUMENT SOLUTIONS REQUEST FOR FUNDS

Recommendation: That City Council:

1. Approve funds in an amount not to exceed $355,000 for the ProDocument Solutions project under the terms and conditions identified in item 1 through 6 above. The amount of funds may be reduced administratively by staff in the event other funding sources are made available and the contract may be amended accordingly; and
2. Authorize the Mayor to sign all documents and agreements necessary to complete the project.

Council Member Irish stepped down on this matter for a possible conflict of interest.

The City Manager introduced the item, and the Community Development Director gave the staff report.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council approve the staff recommendation.

M. O. 20-050603

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

Disposition: Approved.

31. CLARIFY ISSUES RELATED TO THE INTERIM URGENCY ORDINANCE REGARDING ALCOHOL AND SET PUBLIC HEARING TO EXTEND INTERIM URGENCY ORDINANCE

Recommendation: That the City Council:
1) Make each of the six individual determinations regarding the type of activities to be suspended during the period in which the Interim Urgency Ordinance is in effect.
2) Reaffirm the findings adopted with the Interim Urgency Ordinance that there is a current and immediate threat to the public health, safety and welfare and that failure to suspend the actions as identified by the Council would exacerbate this threat.
3) Set a Public Hearing for May 20, 2003 to report on actions taken and to be taken to alleviate the circumstances leading to the adoption of the Interim Urgency Ordinance and to consider continuing the Interim Urgency Ordinance for up to an additional ten months and fifteen days.

The City Manager introduced the item, and Community Development Director gave the staff report and presented the six determinations with the staff’s recommendations:

1) On-Sale of Alcohol - Suspend the processing of all Conditional Use Permits for the On-Sale of Alcohol, regardless of location, during the review period.
2) Off-Sale of Alcohol Within 600 Feet of a School, Park or Church - Suspend the processing of all Conditional Use Permits for the Off-Sale of Alcohol, within 600 feet of schools, parks and churches.
3) Off-Sale of Alcohol More Than 600 Feet From a School, Park or Church - Direct Staff to suspend the certification of Zoning Compliance for the off-sale of alcohol in circumstances where no Conditional Use Permit is required.
4) Permits for Alcohol Sales or Consumption Within a Park - Direct Staff to suspend the issuance of new one-day permits for the sale and consumption of alcohol in City Parks.
5) Letters of Public Convenience or Necessity - Suspend the processing of all Letters of Public Convenience or Necessity.
6) Discretionary Actions in Support of Currently Operating Businesses - Continue all discretionary activities which may be necessary or convenient to allow currently authorized sale and consumption of alcohol to continue unchanged, except as specifically prohibited above.

The City Manager stated that staff needed to know if the Council wanted these items in the interim ordinance for the next ten and a half months. He stated that they needed direction in terms of developing the ordinance.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Mayor Pro Tem Martinez that the Council approve each of the six individual determinations regarding the type of activities to be suspended during the period in which the Interim Urgency Ordinance is in effect as recommended by staff; reaffirm the findings adopted with the Interim Urgency Ordinance that there is a current and immediate threat to the public health, safety and welfare and that failure to suspend the actions as identified by the Council would exacerbate this threat; and set a Public Hearing for May 20, 2003 to report on actions taken and to be taken to alleviate the circumstances leading to the adoption of the Interim Urgency Ordinance and to consider continuing the Interim Urgency Ordinance for up to an additional ten months and fifteen days. The motion carried unanimously.

Disposition: Approved.

32. GRANITE HILLS STREETS PROJECT - PHASE 2, OPTIONS FOR PAVEMENT STRUCTURAL SECTION

Recommendation: That the City Council approve Option 1 to authorize Staff to issue a contract change order for the installation of pavement reinforcing fabric and authorize the expenditure of an additional $48,391.29.

The City Manager introduced the item, and the Acting Public Works Director gave the staff report.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council approve Option 1 to authorize Staff to issue a contract change order for the installation of pavement reinforcing fabric and authorize the expenditure of an additional $48,391.29. The motion carried unanimously.

Disposition: Approved.

33. CONSIDERATION OF APPROVAL OF THE AIRPORT FINANCIAL PLAN FOR FY 2003/2004


The City Manager introduced the item, and the Fire Chief gave the staff report.
The Council commended the Fire Chief and the City Manager for the quick turnaround of the Airport.

COUNCIL ACTION
MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve the proposed Airport Financial Plan for Fiscal Year 2003/2004. The motion carried unanimously.

Disposition: Approved.

34. CONSIDERATION OF EXPENDITURE LIMITATION ACTIONS: HIRING FREEZE AND TRAVEL LIMITATION

Recommendation: Continue the hiring and travel freezes as defined in the staff report, above through this Fiscal Year. The status of the freeze in the coming year, would be defined in June, 2003.

The City Manager introduced the item, and gave the staff report. He stated that the seventeen positions previously frozen could be filled, if the Department had the funds, and if Council approved the staff’s recommendation.

Council Member Hamilton stated that he felt they should continue the hiring and travel freezes as defined in the staff report for six months.

COUNCIL ACTION
MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council continue the hiring and travel freezes as defined in the staff report through October 2003. The motion carried unanimously.

Disposition: Approved.

35. RECONSIDERATION OF ORDINANCE NO. 1631, ZONE CHANGE 1-2003

Recommendation: Direction to be determined by City Council.

Council Member West stepped down to abstain on this matter.

The City Manager introduced the item and gave the staff report. He stated that the two options were not act to reconsider the ordinance and the prior decision stands; or, reconsider the previously adopted Ordinance, rescind said ordinance and adopt a revised ordinance.

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

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

The City Manager read the Ordinance by title only.
COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council waive further reading of the ordinance and adopt Ordinance No. 1631.

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

Disposition: Approved.

The City Council adjourned to a Meeting of the Porterville Redevelopment Agency at 10:32 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
MAY 6, 2003

Roll Call: Redevelopment Agency: West, Martinez, Hamilton, Irish, Stadtherr

ORAL COMMUNICATIONS - None

SCHEDULED MATTER

PRA-1 RESOLUTION AUTHORIZING CONTINUED INVESTMENT OF CITY MONIES INTO THE LOCAL AGENCY INVESTMENT FUND (LAIF) AND DESIGNATING TRANSACTION OFFICERS

Recommendation: That the Porterville Redevelopment Agency adopt the attached resolution reaffirming the investment of the City’s pooled monies in the Local Agency Investment Fund (LAIF) and designating transaction officers

AGENCY ACTION

MOVED by Agency Member Hamilton, SECONDED by Agency Member Martinez that the Porterville Redevelopment Agency adopt the resolution reaffirming the investment of the City’s pooled monies in the Local Agency Investment Fund (LAIF) and designating transaction officers. The motion Resolution PRA 2-2003 carried unanimously.

Disposition: Approved.

The Redevelopment Agency adjourned to a meeting of the City Council at 10:35 p.m.

ORAL COMMUNICATIONS - None

OTHER MATTERS

• Council Member Irish clarified that the staff would be bringing the COP list back to Council at the first meeting in June.

• Council Member Hamilton stated that he would meet with the Attorney on a personnel policy issue.
• Mayor Pro Tem Martinez requested that public meetings be held on off-Tuesdays to meet with local citizens, perhaps at the library, starting with the Main Street business owners. Council agreed to try the meetings, with two Council members attending any meetings.

CLOSED SESSION

Closed Session Pursuant to Government Code § 54956.9 - Conference with Legal Counsel-Existing Litigation - Valley Advocates, et. al vs. City of Porterville, et al

The Council adjourned at 10:44 p.m. to Closed Session, and reconvened at 11:35 p.m.

ADJOURNMENT

The Council adjourned at 11:35 p.m. to May 20, 2003.

Georgia Hawley, Deputy City Clerk

SEAL

Richard M. Stadtherr, Mayor