Call to Order: 7:00 p.m.
Pledge of Allegiance: Mayor Pro Tem Pete Martinez
Invocation: Pastor Steve Walker, Valley Oak Community Church
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PRESENTATIONS

TOM WATSON - SERVICE PLAQUE

Mayor Stadtherr presented a plaque to Tom Watson, former City Attorney, for his service to the City from April 1, 1998 to April 30, 2002.

Mr. Watson thanked the Council and congratulated them and the staff for the excellent work being done in Porterville.

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.

FEATURED PROJECTS FOR MAY 2003

The City Manager highlighted the Featured Projects for May 2003:

1. Transit Center Facility - Linda Clark gave the slide presentation
2. Completion of Environmental for Core Area Project

Council Member Irish commended Linda Clark on the hard work she has done on the Transit Center since day one, years ago. He also asked Susan Duke to stand up and be acknowledged for her contributions to the project. Mr. Gary Irish was also commended.

Mayor Stadtherr spoke regarding the outstanding job done by fire personnel at the JC Penney fire. He asked them to please come forward.

Fire Chief Guyton came forward and introduced Captain Randy Cline and Fire Engineers Rick Land and Mike Hildreath.

ORAL COMMUNICATIONS

- Ray Moss, 23925 Avenue 104, Terra Bella, came forward and addressed the Council on the Rollin’ Relics Car Show and thanked the Council members and staff who participated in the trophy awards.
Mr. Moss presented some slides of the car show. He stated that they would like to move the car show to Veterans Park next year and would be submitting their paperwork early.

- Nicki Edwards, 13096 Road 208, came forward and thanked Mayor Stadtherr, Mayor Pro Tem Pete Martinez, Council Member Hamilton and Hal Hill for attending the May 19 informational meeting about the proposed tribal casino relocation to Highway 190. She expressed her concern, and the concern of others, to this relocation. Ms. Edwards handed out copies of the publication, Tribal Casinos and their Impact on a California Community to those that could not attend the meeting. She urged the Council to read this document and do some research, and then join with the League of California Cities and others in opposing the casino.

- Dick Eckhoff, Downtown Porterville Association, 30 East Oak, clarified that Item #18 had been requested to be removed from the agenda. He questioned the first item on Item #6, the Barn Theater approval, spoke about painting the east side of the building, and whether the Barn Theater people were aware of it. On Item #11, Mr. Eckhoff asked to have a downtown representative included as it was in the BID. He then clarified that Item #13, under Section 9, was recommending no incidental day usage for alcohol in the parks.

**CONSENT CALENDAR**

Items 2, 8 and 11 were removed from the Consent Calendar.

1. **MINUTES OF MAY 6, 2003**

   Disposition: Approved.
   Document No.: Minute Order No. 01-052003

2. **BUDGET ADJUSTMENTS FOR THE 2002/2003 FISCAL YEAR**

   Recommendation: That City Council approve the proposed budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the draft schedule.

   Disposition: Approved.
   Document No.: Minute Order No. 02-052003

3. **AUTHORIZATION TO ADVERTISE FOR BIDS - JAYE STREET WATER MAIN PROJECT**

   Recommendation: That City Council:
   1. Approve the Plans and Project Manual; and
   2. Authorize staff to advertise for bids on the project.

   Disposition: Approved.
   Document No.: Minute Order No. 03-052003

4. **ACCEPTANCE OF FINAL SUBDIVISION MAP - ORCHARD RIDGE, PHASE NINE (DAVID HATCH - CENTEX HOMES)**

   Recommendation: That City Council:
1. Approve the final map of Orchard Ridge, Phase Nine Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Disposition: Approved.
Document No.: Minute Order No. 04-052003

6. APPROVAL FOR COMMUNITY CIVIC EVENT - BARN THEATER - SHABBY CHIC, ALMOST ANTIQUE SALE, MAY 10, 2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Barn Theater for a sales event on the parking lot and grassy area at the Barn Theater on Saturday, May 31, 2003, subject to Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

Disposition: Approved.
Document No.: Minute Order No. 05-052003

7. CONTINUE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) AGREEMENT WITH TULARE COUNTY

Recommendation: That City Council:
1. Waive the direct sub-grant award from the Porterville Police Department, transferring $7,650 to the Tulare County Probation Department; and,
2. Authorize the Mayor to sign the amended agreements with the Tulare County Probation Department.

Disposition: Approved.
Document No.: Minute Order No. 06-052003

9. LEASE AGREEMENT BETWEEN THE AIRPORT ENTERPRISE FUND AND THE SEWER OPERATING FUND

Recommendation: That the City Council authorize the Mayor to sign the Lease Agreement between the City of Porterville Sewer Operating Fund and the Airport Enterprise Fund.

Disposition: Approved.
Document No.: Resolution 60-2003

10. AIRPORT LEASE -- LOT 46B

Recommendation: That the City Council approve the assigning of the lease agreement between the City of Porterville and Mr. & Mrs. Matthews for Lot 46B to Mr. Travis Bierman.

Disposition: Approved.
Document No.: Minute Order No. 07-052003

11a. CLOSED SESSION PURSUANT TO PURSUANT TO GOV. CODE § 54956.8:

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council approve Item Nos. 1, 3 through 7, 9, 10 and 11a of the Consent Calendar. The motion carried unanimously.

2. 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 requiring vendors to have a business license before submitting bids.

The City Manager stated that they would put the matter on a future agenda, with the pros and cons.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member Hamilton 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.

8. ANIMAL CONTROL AGREEMENT RENEWAL

Recommendation: That Council approve the proposed agreement for the period of July 1, 2003 to June 30, 2008, and authorize the mayor to execute said agreement on behalf of the City of Porterville.
Mayor Pro Tem Martinez questioned the number of clinics held annually, and how the number was determined. He stated that he would like more clinics held throughout the year.

The City Attorney suggested adding “and Porterville” to the first sentence of Section 5 of the contract.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve Item 8 with the addition of the suggested wording in Section 5. The motion carried unanimously.

**Disposition:** Approved.

11. **ZALUD HOUSE FUNDING STRATEGY COMMITTEE**

Recommendation: That the Council appoint the individuals submitted by the Parks and Leisure Services Commission to the Zalud House Funding Strategy Committee.

Mr. Meachum stated that Melissa Duran, a college student, was interested in being on the committee.

Mayor Pro Tem Martinez stated that he would also like someone from downtown.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council appoint the individuals submitted by the Parks and Leisure Services Commission to the Zalud House Funding Strategy Committee and add Dick Eckhoff, for the downtown merchants, and Melissa Duran. The motion carried unanimously.

**Disposition:** Approved.

**PUBLIC HEARINGS**

12. **ZONE CHANGE 3-2002 (PRE-ZONING) AND ANNEXATION 449**

(Harold & Retha Sheldon)

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Zone Change 3-2002 and Annexation 449.
2. Rescind Ordinance 1623 and adopt the draft ordinance approving Zone Change 3-2002.
3. Rescind City Council Resolution 170-2002 originally authorizing the initiation of Annexation 449, and adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

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 7:37 p.m.

Jim Winton, 150 West Morton, representing the applicant, came forward and spoke briefly on the history of the project and asked the Council for approval.
Terry Moore, 1237 West Indiana, came forward and asked about the traffic problems in that area, and if there were any plans to widen the roads.

Staff explained that the City has worked on plans for the widening of Jaye Street through to Gibbons, and widening Gibbons Avenue east and west. It was stated that although the projects were currently not funded, the designs had been done and environmental clearance granted. It was also stated that the City was working on widening Plano Street, from State Highway 190 north to the Tule River, which was a funded project.

Mr. Moore discussed the 24 hour a day traffic in his area, and stated that he would like a copy of the plans staff mentioned.

Staff stated that these were extensive plans and large maps, and Mr. Moore was welcome to come down anytime to review them. It was stated that frontage improvements would be done to serve this project, which would be beneficial for the area.

Mayor Stadtherr closed the hearing to the public at 7:44 p.m. when no one else wished to speak.

Council discussed the traffic projects in that area and the proposed traffic to be generated by the new project.

Mayor Stadtherr closed the public hearing at 7:55 p.m.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member West that the City Council adopt the draft resolution approving the Negative Resolution 61-2003 Declaration for Zone Change 3-2002 and Annexation 449. The motion carried unanimously.

COUNCIL ACTION MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council rescind Ordinance 1623 and approve the draft ordinance approving Zone Change 3-2002. The motion carried unanimously.

The City Manager read the ordinance by title only.

COUNCIL ACTION MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council waive further reading and order Ordinance 1634 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE RESCINDING ORDINANCE 1623 AND APPROVING ZONE CHANGE 3-2002 BEING A PRE-ZONING FROM COUNTY R-O-43 (RESIDENTIAL ESTATE) TO CITY RE (ONE FAMILY RESIDENTIAL ESTATE) FOR THAT 42.1± ACRE SITE LOCATED ON THE NORTHEAST CORNER OF INDIANA STREET AND GIBBONS AVENUE. The motion carried unanimously.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council rescind City Council Resolution 170-2002 originally authorizing the initiation of Annexation 449, and adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo. The motion carried unanimously.
Disposition: Approved.

13. EXTENSION OF TIME FOR THE INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE PROHIBITING THE ISSUANCE OF NEW AUTHORIZATIONS FOR ALCOHOL SALE OR CONSUMPTION

Recommendation: The City Council adopt an extension of time for the attached Interim Urgency Ordinance prohibiting the issuance of new authorizations for alcohol sale or consumption for 10 months and 15 days.

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

Mayor Stadtherr opened the public hearing at 8:02 p.m. and closed the public hearing at 8:03 p.m. when no one came forward to speak.

Council Member West stated that he did not understand that this would preclude the public from getting alcohol permits for private use in the parks. The other Council member agreed with Council Member West, and the matter was discussed with the Police Chief.

The City Attorney stated that Item 4 in Section 9 could be deleted, or remove the words “or consumption” from that Item.

Council briefly discussed whether there were problems with broken bottles in the park.

COUNCIL ACTION MOVED by Council Member Irish, SECONDED by Council Member West that the Council strike Item 4 from Section 9 of the draft ordinance. The motion carried unanimously.

The City Manager stated that a request for sale would come to Council for approval. The City Manager then read the ordinance by title only.

COUNCIL ACTION MOVED by Council Member Irish, SECONDED by Council Member West that the Council waive further reading and adopt Ordinance 1635, being AN ORDINANCE OF THE CITY OF PORTERVILLE EXTENDING AN INTERIM ORDINANCE PROHIBITING THE ISSUANCE OF NEW AUTHORIZATIONS FOR THE SALE OR CONSUMPTION OF ALCOHOL AND DECLARING THE URGENCY THEREOF. The motion carried unanimously.

Disposition: Approved.

The Council took a recess from 8:13 to 8:26 p.m.

The City Manager clarified for the audience that Item 4 was struck entirely from the ordinance and the word consumption was removed from the title. He stated that nothing remained in the ordinance specifically regarding consumption, so that was why the title was changed and Item 4 was struck.
SCHEDULED MATTERS


Recommendation: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 2-2003 subject to conditions of approval.

The City Manager left during this item due to a conflict of interest. The Administrative Services Manager, Darrel Pyle, presented the item and the Community Development Director gave the staff report.

Council Member Irish stated that this was a great project, but he expressed his concerns about the traffic on Porter Road and the need for Indiana Street to go through all the way to Olive Avenue. He stated that he would like to focus more on looking at Indiana when it comes up for discussion. Councilmen Hamilton and Martinez agreed with Council Member Irish. Mayor Stadtherr brought the fact that Porter Road was still 40 mph, and that might contribute to the traffic problems.

The City Engineer stated that they could certainly study the speed limit and the benefits of lowering it to 35 mph.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 2-2003 subject to conditions of approval. The motion carried unanimously.

Council directed the City Manager to obtain an analysis to reduce the speed on Porter Road, Olive to Henderson, until some of the traffic is relieved. The report can be done by memorandum.

Disposition: Approved.

15. 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.
2. Take no action on Zone Variance 1-2003.

The City Manager introduced the item, and the Community Development Director gave the staff report which stated that the zone variance request had been withdrawn, but the

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by West that the Council adopt the draft resolution approving the Negative Declaration prepared for Zone Variance 1-2003 and Tentative Parcel Map 1-2003. The motion carried unanimously.

Disposition: Approved.

16. OUTSIDE AGENCY SERVICES POLICY

Recommendation: That the City Council approve the attached Outside Agency Services Policy.
The City Manager introduced the item, and Acting Public Works Director gave the staff report.

The Council stated that they did not wish to compete with local businesses.

The City Manager stated that Council could amend the policy to serve only governmental agencies, and delete non-profit agencies.

Council Member Hamilton questioned the liability of the City in maintaining outside vehicles.

The City Attorney stated that it was a contractual obligation, with indemnification clauses. She stated that she could check the current contracts to make sure that was included.

Council Member Irish stated that they could stipulate in the policy that an indemnification clause be included in the agreements.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member West that the Council approve the proposed Outside Agency Services Policy with the two proposed changes. The motion carried unanimously.

The City Manager clarified that the current non-profit agency being served, Proteus, would be grandfathered into the Policy.

Disposition: Approved.

17. REPORT ON TRANS-STATE HIGH SPEED RAIL (HSR) PROJECT AND PORTERVILLE’S EFFORTS TO PRESERVE THE RAILROAD RIGHT OF WAY FROM PORTERVILLE TO THE HSR CORRIDOR

Recommendation: The Porterville City Council:
1. Continue to monitor the progress of the High Speed Rail Authority;
2. Continue to support the staff effort to preserve the SJVR corridor; and
3. Work with the Chamber of Commerce and other organizations to convince the public to vote for the ballot measure to construct the Trans-State High Speed Rail System when it appears on the ballot.

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

Disposition: No action was required by Council.

18. CONSIDERATION OF AN ACTION POLICY REGARDING MAINTAINING A JC PENNEY STORE IN THE PORTERVILLE DOWNTOWN

This item was removed.

The City Council adjourned to a Joint Meeting with the Porterville Redevelopment Agency at 9:05 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
MAY 20, 2003

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

Nicki Edwards, 13096 Road 208, came forward and addressed her concerns about having only one ingress and egress opening from Casas del Rio Subdivision. She stated that it was an issue of public safety, and she hoped the Council would look at the design of the subdivision and consider that.

JOINT CITY COUNCIL/AGENCY PUBLIC HEARING

PRA-1. SALE OF REDEVELOPMENT OWNED PROPERTY TO PERRIS 40 CORPORATION (CASAS DEL RIO SUBDIVISION) AND APPROVAL OF DISPOSITION AND DEVELOPMENT AGREEMENT

Recommendation: That the City Council, after a duly noticed public hearing:

1. Adopt the draft resolution consenting to the approval of a Disposition and Development Agreement by and between the Porterville Redevelopment Agency and Perris 40 Corporation, and making certain findings regarding the acquisition and development of the Casas del Rio subdivision; and
2. Approve the reallocation of $90,905 in HOME Program Income funds from the Casas del Rio Project to the St. James Place Project and $49,095 in HOME Program Income funds from Casas del Rio Project to the First Time Low Income Homebuyer Project or the Owner Occupied Housing Rehabilitation Project.

That the Redevelopment Agency, after a duly noticed Public Hearing:

1. Adopt the draft resolution approving a Disposition and Development Agreement by and between the Porterville Redevelopment Agency and Perris 40 Corporation and making certain findings regarding the acquisition and development of the Casas del Rio subdivision; and
2. Authorize the Chairman to execute the agreement and authorize the Executive Director of the Agency (or his designee) to implement the Agreement and take all further actions and execute all escrow documents and other documents which are necessary or appropriate to carry out the Agreement.

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

Mayor Stadtherr opened the joint public hearing at 9:20 p.m.

Steve Reeder, representing Perris 40, came forward and spoke briefly on the history and quality of the project, and stated that they looked forward to working with the Council and Agency.

Mayor Stadtherr closed the hearing to the public at 9:25 p.m. when no one else wished to speak.

Council Member Irish questioned the requirements in the Agreement on Page 24 regarding verification of income for homebuyers.

John Getz, from Stradling Yocca, the Redevelopment Agency Counsel, came forward and spoke on their structuring the agreement to protect the Agency in the project.

When asked to address the ingress, egress problem, Mr. Reeder stated that the subdivision was approved twenty years ago, and there was not a lot of fast moving traffic. He stated that in the event of a crisis,
there was access from the river frontage, and a common area down the center of the subdivision that allows for mobility. He stated that the roofing was all composition to prevent fire hazards, and each house had a two car driveway for parking.

Mayor Stadtherr questioned the names of the streets which were different although they were aligned.

Mayor Stadtherr closed the public hearing at 9:48 p.m.

COUNCIL ACTION
MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council adopt the draft resolution consenting to the approval of a Disposition and Development Agreement by and between the Porterville Redevelopment Agency and Perris 40 Corporation, and making certain findings regarding the acquisition and development of the Casas del Rio subdivision The motion carried unanimously.

COUNCIL ACTION
MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Pete Martinez that the Council approve the reallocation of $90,905 in HOME Program Income funds from the Casas del Rio Project to the St. James Place Project and $49,095 in HOME Program Income funds from Casas del Rio Project to the First Time Low Income Homebuyer Project or the Owner Occupied Housing Rehabilitation Project. The motion carried unanimously.

AGENCY ACTION
MOVED by Agency Member Hamilton, SECONDED by Agency Member Irish that the Agency adopt the draft resolution approving a Disposition and Development Agreement by and between the Porterville Redevelopment Agency and Perris 40 Corporation and making certain findings regarding the acquisition and development of the Casas del Rio subdivision The motion carried unanimously.

AGENCY ACTION
MOVED by Agency Member Hamilton, SECONDED by Agency Member Irish that the Agency authorize the Chairman to execute the agreement and authorize the Executive Director of the Agency (or his designee) to implement the Agreement and take all further actions and execute all escrow documents and other documents which are necessary or appropriate to carry out the Agreement. The motion carried unanimously.

Disposition: Approved.

The Council then adjourned to a meeting of the Redevelopment Agency.

SCHEDULED MATTER

PRA-2 AFFORDABLE HOUSING AGREEMENT FOR DATE AVENUE FAMILY APARTMENT DEVELOPMENT

Recommendation: That the Redevelopment Agency:
1. Approve the draft resolution approving the Affordable Housing Agreement with 148 Date Avenue, L.P.(the “Partnership”) and Corporation for Better
Housing (the “Developer”) and the Regulatory Agreement with 148 Date Avenue, L.P.(the “Partnership”); and

2. Authorize the Chairman to execute the agreements and authorize the Executive Director of the Agency (or his designee) to approve the request for payment and any other administrative actions necessary or appropriate to carry out and implement the Agreements and to administer the Agency’s obligations, responsibilities and duties to be performed under the Agreements and related documents.

The Agency Secretary presented the item and the Community Development Director gave the staff report. He stated that on Page 2 of the Housing Agreement, the definition of Agency Assistance should read “means the grant from the Agency to the developer pursuant to Section 201 hereof.”

**AGENCY ACTION**

MOVED by Agency Member West, SECONDED by Agency Member Hamilton that the Porterville Redevelopment Agency approve the draft resolution approving the Affordable Housing Agreement with 148 Date Avenue, L.P. (the “Partnership”) and Corporation for Better Housing (the “Developer”) and the Regulatory Agreement with 148 Date Avenue, L.P. (the “Partnership”). The motion carried unanimously.

**AGENCY ACTION**

MOVED by Agency Member Hamilton, SECONDED by Agency Member West that the Porterville Redevelopment Agency authorize the Chairman to execute the agreements and authorize the Executive Director of the Agency (or his designee) to approve the request for payment and any other administrative actions necessary or appropriate to carry out and implement the Agreements and to administer the Agency’s obligations, responsibilities and duties to be performed under the Agreements and related documents. The motion carried unanimously.

Disposition: Approved.

The Redevelopment Agency adjourned to a meeting of the City Council at 9:50 p.m.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

• The City Manager expressed his appreciation for the Council’s support of Casas del Rios, and the hard work of the Community Development staff and the Perris 40 staff.

• Mayor Pro Tem Martinez invited the Council Members to the AVID Graduation Program at Monache High School tomorrow night at 7:00 p.m.

**COUNCIL COMMENTS**

None

**CLOSED SESSION**

11a. CLOSED SESSION PURSUANT TO GOV. CODE § 54956.8: 1 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 259 N. MAIN STREET. AGENCY NEGOTIATOR: BRAD DUNLAP. NEGOTIATING

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

11a -1. AUTHORIZATION TO ASSIGN INTEREST IN MASTER LEASE FOR 259 N. MAIN STREET

Recommendation: That City Council authorize the assignment of the City’s interest in the Master Lease for 259 N. Main Street between Ennis Commercial Properties and the County of Tulare and authorize the Mayor to sign all documents necessary to complete the transaction.

It was reported that Council took action to approve this assignment.

Document No.: Minute Order 15-052003

ADJOURNMENT

The Council adjourned at 10:52 p.m. to May 28, 2003.

Georgia Hawley, Deputy City Clerk

SEAL

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Richard M. Stadtherr, Mayor