Call to Order: 7:00 p.m.
Pledge of Allegiance: Council Member Ron Irish
Invocation: Pastor John Eby, First Baptist Church
Roll Call - West, Martinez, Hamilton, Irish, Stadtherr

The City Manager introduced the new Parks and Leisure Services Director, Jim Perrine.

**PROCLAMATION**

“Constitution Week” - September 17-23, 2003

**ORAL COMMUNICATIONS**

- Roberto Velasques, 191 S. ‘A’, came forward and asked Council to consider the continuation of Putnam from Crestview to Conner. Mr. Velasques stated he believes it is a safety issue and urges this issue be placed on the Council agenda.

- Robert Whitley, 137 N. Sierra, spoke about his employment termination with the City. Mr. Whitley asked the Council to reconsider his eligibility.

- Bill Warner, 1370 Monache, requested that he and others have an opportunity to speak during Item #12.

- John Eby, 1557 E. Olive, commended City staff for their cooperation and support during the road construction project in front of his residence.

- Megan Whitley, came forward on behalf of her husband Robert Whitley. Mrs. Whitley spoke about her husband’s employment termination.

Mayor Stadtherr stated that personnel issues cannot be discussed in open session.

- Russell Bettencourt, 555 N. Prospect, came forward on behalf and in support of Mr. Whitley.

- Sara Topa, 885 E. Putnam #30, spoke about the need for a Farmers Market in Porterville. Ms. Topa also spoke about water conservation at the Transit Center.

- Dorothy Broome, 863 S. Crystal Street, came forward to speak about the correct usage of the public’s microphone.
CONSENT CALENDAR

Items No. 1, 11, 12 and 16 were removed from the Consent Calendar.

2. CLAIM - RUBIE GILLIN

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. 01-090203

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.

Disposition: Approved
Document No.: Minute Order No. 02-090203

4. This item had been pulled.

5. AUTHORIZATION TO NEGOTIATE A CONTRACT FOR DESIGN SERVICES FOR THE DOWNTOWN PARKING PROJECT

Recommendation: That City Council:
1. Authorize staff to negotiate a contract with Roberts Engineering;
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.

Disposition: Approved
Document No.: Minute Order No. 03-090203

6. INTENT TO ABANDON WILLOW STREET (SAN ANTONIO ORCHARD COMPANY)

Recommendation: That City Council:
1. Pass a Resolution of Intent to Abandon a Portion of Willow Street between “E” Street and the Union Pacific Railroad Company property; and
2. Set the Council meeting of October 7, 2003, as the time and place for a public hearing.
7. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE AREA MINISTERIAL ASSOCIATION - PRAY PORTERVILLE GATHERING AND WALKING PARADE, SEPTEMBER 11, 2003

Recommendation: That the Council approve the attached Community Civic Event Application and agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Disposition: Approved
Document No.: Minute Order No. 04-090203


Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Area Coordinating Council, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Disposition: Approved
Document No.: Minute Order No. 05-090203

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE “SIERRA MUSIC FEST” - OCTOBER 11, 2003

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Chamber of Commerce, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Disposition: Approved
Document No.: Minute Order No. 06-090203

10. APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION MAIN STREET CAR SHOW AND SIDEWALK SALE - OCTOBER 25, 2003

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject
to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Disposition: Approved
Document No.: Minute Order No. 07-090203

13. RESOLUTION - ROBERTI-Z’BERG-HARRIS URBAN OPEN SPACE AND RECREATION GRANT

Recommendation: That the City Council approve the Resolution for the filing of a contract for the Roberti-Z’Berg-Harris Urban Open Space and Recreation Program under the 2002 Resources Bond Act and that the funding be used to assist in the renovation of the Municipal Pool Complex. Any remaining funds to be used for Capital Improvement Projects in the Parks and Leisure Services Department.

Disposition: Approved
Resolution No.: Resolution No. 110-2003

14. RESOLUTION - PER CAPITA PROGRAM BOND ACT

Recommendation: That the City Council approve the Resolution for the filing of a contract for Per Capita Program under the 2002 Resources Bond Act and the funding be used to assist in the renovation of the Municipal Pool Complex.

Disposition: Approved
Resolution No.: Resolution No. 111-2003

15. AUTHORIZATION TO SEEK GRANT FUNDING AND EXPLORE THE ESTABLISHMENT OF A JOINT POWERS AGREEMENT.

Recommendation: That the Council authorize staff to explore the establishment of a Joint Powers approach to improve air quality through the use of alternative fuels with the Porterville Unified School District and the Burton School District, and authorize staff to seek grant funding to assist in the process of implementing the use of alternative fuel vehicles to improve air quality.

Disposition: Approved
Document No.: Minute Order No. 08-090203

16a. CLOSED SESSIONS PURSUANT TO GOVERNMENT CODE § 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: BRAD MAPLES AND STEVE ALLEN V. CITY OF PORTERVILLE, ET AL;
PURSUANT TO GOVERNMENT CODE § 54956.9(b) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: ONE CASE; PURSUANT TO GOVERNMENT CODE § 54957 - PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE; AND, GOVERNMENT CODE § 54957.6-CONFERENCE WITH LABOR NEGOTIATOR, AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUPS: PORTERVILLE POLICE OFFICERS ASSOCIATION, PORTERVILLE CITY EMPLOYEES ASSOCIATION, PORTERVILLE CITY FIREFIGHTERS ASSOCIATION; AND ALL OTHER UNREPRESENTED EMPLOYEES.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve Item Numbers 2 through 10; 13 through 15 and 16a of the Consent Calendar.

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

1. MINUTES OF MAY 28, 2003

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council approve the Minutes of the May 28, 2003 City Council Meeting.

M.O. 09-090203

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

Disposition: Approved

11. APPROVAL FOR COMMUNITY CIVIC EVENT - ROLLIN’ RELICS CAR CLUB ROLLIN’ RELICS CAR SHOW - MAY 1, 2003

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club.

City Manager Longley presented the item and Deputy City Manager Pyle gave the staff report.

Lloyd Winter, 1075 W. Roby, a representative for Rollin’ Relics Car Club came forward to answer and clarify questions by the Council.
COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council approve the Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club and recommend that sprinkler heads are marked before the event for avoidance, vehicles leaving during the show may not return to the show area, and yellow caution tape be installed along the width of the median island on Henderson Avenue to discourage pedestrian crossing. The motion carried unanimously.

M.O. 10-090203

Disposition: Approved

12. CONSIDERATION OF A RESOLUTION TO UPHOLD THE HUMAN RIGHTS AND CIVIL LIBERTIES OF THE PEOPLE OF PORTERVILLE

Recommendation: That the City Council approve the resolution as presented.

City Manager Longley presented the item.

Merrily Davies, 1078 N. Roberta Way, came forward to urge the Council to support a resolution against the Patriot Act. Ms. Davies read from a prepared statement which included the published statements from Wayne LaPierre, Executive Vice President of the National Rifle Association; David Keene, Chairman of the American Conservative Union; and, Al Gore, Former Vice President of the United States.

Bill Warner, 1370 Monache, spoke about the Pledge of Allegiance and the ideals for which this country were founded. Mr. Warner encouraged the Council to send a message to our representatives in Washington to reexamine and revise the Patriot Act.

Daryl Nicholson, 26914 Avenue 140, asked the Council not to pass the resolution. Mr. Nicholson stated that this is a political difference of opinion and not an issue for a City Council. He further stated that this was not the appropriate forum and should be taken up in the courts of the nation. Mr. Nicholson urged the Council not to vote on this issue.

John Eby, 1557 E. Olive Avenue, came forward to encourage the Council to support this resolution by representing the citizens of this City who are of Arab extraction and Muslim faith.

David Chandler, 33251 Tule Oak Drive, Springville, stated that upholding the Constitution encompasses all levels of government. The Council’s oath to uphold the Constitution then makes this a matter for their consideration.

Roberto Velesquez, 191 S. ‘A’, came forward and spoke about the arrogance of the administration stepping on the rights of every citizen. Mr. Velesquez urged for the repeal of the Patriot Act.
Martin Cuevas, 955 S. Ohio, stated that he is against the Patriot act because being an immigrant himself, he feels they go through a lot of discrimination and have no representation.

Carolyn Moeller, 23060 Lawson Avenue, Strathmore, came forward and spoke about the wide effect of the Patriot Act. Ms. Moeller shared incidents family members experience recently during security checkpoints at U.S. Airports. She also shared a recent article published in Community Alliance Magazine of Fresno.

Dorothy Broome, came forward and asked if anyone here actually read the Patriot Act. Ms. Broome wondered what the difference is between an Act and a Law, isn’t the Patriot Act a temporary Act? Ms. Broome stated that the language of the Act is difficult to understand and comprehend.

Pete McCracken, 657 Village Green, stated the Patriot Act was voted on by the House of Representatives, 435 people we elected to make these decisions. It was also voted on by the United States Senate, another 100 individuals we elected to serve, and signed by the President. Mr. McCracken stated if this law is bad, then it is we who failed in electing our representatives to the federal government.

The floor was closed to the public and opened to the Council.

Council Member Irish stated that he has read the Patriot Act. He has been asked not to determine if the Patriot Act is good or bad, but to sign a resolution. He further stated that he feels the resolution is bad, that it is beyond our realm as a City Council.

Council Member Hamilton stated that he does not support the Patriot Act. He believes it infringes on our Bill of Rights and therefore he will support the resolution.

Council Member West requested clarification by the City Attorney on a couple points of the resolution, i.e. #3 of the Whereas; and Section #2. He stated that he sees no reason to vote on this resolution because it is federal law.

Mayor Pro Tem Martinez reflected on his reaction the morning of September 11, 2001, his disbelief in events and his subsequent urge to re-enlist in the military. The government reacted with the Patriot Act. He stated that he sees the consequences of the Patriot Act. People with no representation, no voice, their rights violated and investigated. Now that time has passed, it is time for the people to speak and act, to let their voices be heard and have representation. Mayor Pro Tem Martinez stated that he supports this resolution.

Mayor Stadtherr clarified the City’s incorporation status with the City Attorney. As such, the Supreme Court determined that corporations are entitled to speech.
The City Attorney stated that the Council has the ability to adopt this resolution. The resolution itself does not actively call upon the City to violate the Patriot Act should it be faced with having to enforce a provision of it while that provision is in place.

Council Member Irish brought to the floor a revised resolution for the Council’s review.

The Council took a recess.

The City Attorney read the amended resolution.

The Council discussed in detail the provisions of the amended resolution.

Robert Vanderhorst, 288 N. ‘D’ Street, came forward and stated that, as an attorney, he feels the language seems to limit the provisions to only those people who have entered the United States in accordance with State and Federal laws and regulations.

The Council made further revisions to the amended resolution and called for the vote.

**COUNCIL ACTION**

MOVED by Mayor Pro Temp Martinez, SECONDED by Council Member Hamilton to amend the motion.

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

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member Irish to accept the amended resolution presented by Council Member Irish.

Resolution 112-2003

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

Disposition: Approved

16. RENEWAL OF PROPERTY, MAJOR VEHICLE & AIRPORT LIABILITY INSURANCE

Recommendation: That the City Council authorize the renewal of the City’s Property and Major Vehicle Physical Damage Insurance coverages with Fireman’s Fund Insurance Company for an annual premium not to exceed $95,000.00, and the City’s
Airport Liability Insurance coverage with Ace USA for an annual premium of $11,505.

The City Manager presented the item.

Council Member Irish asked for clarification on the deductible.

Bob Griswold, Griswold Insurance was asked to address the Council’s questions. He stated that a higher deductible would lower the premiums slightly.

Deputy City Manager Darrel Pyle reviewed the policy coverage.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member West that the Council authorize the renewal of the City’s Property and Major Vehicle Physical Damage Insurance coverages with Fireman’s Fund Insurance Company for an annual premium not to exceed $95,000.00, and the City’s Airport Liability Insurance coverage with Ace USA for an annual premium of $11,505 with the Deputy City Manager to purchase the best policy with a higher deductible as his discretion. The motion M.O. 11-090203 carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

20. PROCEDURE FOR REQUIRING PROPERTY OWNERS TO REIMBURSE CITY FOR CURB, GUTTER & SIDEWALK IMPROVEMENTS MADE DURING STREET IMPROVEMENTS PROJECTS, AND CONSIDERATION OF RESOLUTIONS TO RECOUP IMPROVEMENT COSTS THROUGH THE IMPOSITION OF CHARGES AS A CONDITION OF DEVELOPMENT - Continued

Recommendation:

1. Adopt the attached resolutions and authorize record notice provided that such notice does not cloud title to the property;
2. Increase the threshold of building permit valuation for the requirement of reimbursement to $20,000 over 2 years;
3. Exempt from this threshold, any improvements for health, safety and/or weatherization;
4. For single family residences, allow a contract to be entered upon, where payments may be made over a five-year period; and
5. Direct staff to enter into discussions with the Tulare County Building Department to determine the feasibility of including payment of
outstanding concrete fees to the City as a condition of a County building permit.

The City Council received a request from Council to continue the public hearing until September 23 for a round table meeting, and then bring it back to Council on October 7, 2003. The City Council agreed to hold the round table meeting, however, felt it beneficial to open the public hearing tonight for the people in attendance.

The City Manager introduced the item, and Baldomero Rodriguez, Public Works Director, gave a modified staff report.

Mayor Stadtherr reopened the public hearing at 8:49 p.m.

Daryl Nicholson, 26914 Avenue 140, came forward and questioned parliamentary procedure on this item. He stated that at the July 15, 2003 City Council Meeting, this item was tabled. He requested that proper procedure be followed to remove the item from the table.

City Manager Longley read the motion passed by Council on July 15, 2003. It stated that “Council table this matter and bring the item back at a later date at the City Managers discretion; and instruct the Public Works Director to, prior to the next consideration of this item, send a notice to each affected property owner indicating that amounts and the method of arriving at improvement values would be available upon request.” The motion passed unanimously.

The City Attorney further clarified that parliamentary procedure is a guideline and not legally binding.

Cathy Capone, 806 W. Westfield, came forward to speak about her property on Westfield where a sidewalk was installed. Ms. Capone pointed out that property owners were not given an option to either construct the sidewalk themselves, hire their own contractor, or have the City install it.

Maryann Short, 1156 W. Westfield, stated that sidewalk was installed in front of her property. However, the letter she received states that she is also being charged for a sewer lateral, when she has a septic tank system. Ms. Short questioned the lack of notification since she lives in the County.

Public Works Director Rodriguez replied to Mrs. Short’s concerns regarding the sewer lateral. Mr. Rodriguez stated that City policy does not allow trenching of a reconstructed street for five years. As such, sewer laterals are placed underground during the construction process which are then left unconnected for properties that are without. In this case, this sewer lateral charge will only be payable if the property owner connects to the City system.

Ben Webb, 608 N. Plano, protested being charged after the fact and without notification when he, as a developer, could have installed the improvements on his property cheaper.
Jim Winton, 150 W. Morton, came forward on behalf of Wayne Carter. The Carter family owns property on Morton Avenue west of Crestview. Mr. Winton stated that the Carter family properties are currently undeveloped, but when developed, the concrete improvements will need to be removed and reinstalled to conform with the tentative parcel map designs he has submitted.

City Manager Longley responded it is his impression that policy would not require reimbursement for the concrete improvements that must be removed and reinstalled due to development designing.

Daryl Nicholson, again came forward to speak about the wonderful improvements in the recommendations now being proposed as it affects the developers. Mr. Nicholson stated that it appears the new recommendations eliminate the unfairness of property owners having to pay for unneeded concrete improvements when development plans will require some or all of those improvements to be removed and reinstalled.

Ben Webb, 97 S. Corona, requested that coordination between the City and property owner begin during the planning process of a street reconstruction project. Mr. Webb also spoke about notification in the Preliminary Title Report and disclosure to potential buyers.

Marilyn Stafford, 356 N. Conner, stated that the improvements installed did not benefit her use of the property or her family’s use, but benefitted access to Granite Hills High School, its facilities and nearby communities. Mrs. Stafford was concerned that mandatory and necessary home repairs and maintenance she must make to her older home will exceed the recommended $20,000.00 threshold. She requested that the resolution be modified to “upon development or substantial modification, to exclude health, safety, and energy conservation and act of God.”

Mayor Stadtherr closed the public hearing at 9:23 p.m.

Council Members agreed that progress is being made in the right direction. The Round Table Study Session will give them the opportunity for informal and open dialog, and receive additional input from property owners and developers that will allow tighter consensus of policy and procedure.

Council continued this discussion to September 23, 2003 at 7 p.m. at the Library as a Round Table Study Session.

Mayor Stadtherr closed the public hearing at 9:32 p.m.


Continued

Recommendation: That the City Council adopt a resolution confirming the report of the Advisory Board which shall constitute the levy of an assessment for the fiscal year 2003-2004.

City Manager Longley presented the item and Deputy City Manager Pyle gave the staff report.

Mayor Stadtherr reopened the continued public hearing at 9:33 p.m.

Dick Eckhoff, Chairman of the Downtown Porterville Association (DPA), shared a packet of information that included letters and signatures from members of the BIA of support of the assessment and the work of the DPA, a progress report from March, 2001 to current, a plan for future promotionals, a progress report of significant new accomplishments for the past 2 years and details of how they plan to bring people to the downtown business area. Mr. Eckhoff reviewed highlights of the DPA from the last year, including activities and fiscal accomplishments. Mr. Eckhoff also shared some of the future projects that DPA is working on. Mr. Eckhoff encouraged the Council to approve the assessments for the BIA.

Neal Smith, 55 N. Hockett, spoke of the history of the Business Improvement District. Mr. Smith encouraged the continued support of the district.

Jim Cone, 382 E. Morton, former owner of Foreign Auto Parts and property owner of Jim’s Auto Parts, came forward in favor the BIA assessment. Mr. Cone stated that any kind of activity created by the assessment money brings people to the assessment area, which helps the businesses.

Gary Giraudi, General Manager of Whitehurst Loyd Funeral Home, 195 N. Hockett, spoke in favor of the Downtown Porterville Association even though his business is not a retail business, nor is it located on Main Street. Mr. Giraudi stated that Main Street events bring people downtown, who then see his business and remember its name when they are in need.

Donnette Silva-Carter, Porterville Chamber of Commerce, 93 N. Main St., stated that the Chamber supports the activities, projects and programs that the business improvements area funds have been able to generate. Mrs. Silva-Carter also stated that the Chamber recognizes the value of these events bringing people into Porterville, not just the downtown.

Robert Vanderhorst, 288 N. ‘D’ St., stated he is an attorney and his business is service oriented. Mr. Vanderhorst has protested the payment of the BIA assessment since he became aware of it. He feels that it is unfair that BIA money goes to promote the retail merchants on Main Street. Mr. Vanderhorst further stated that he felt the boundaries of the area should be expanded north to Henderson and south to Orange, and along the side streets, and then the adjust the charge to a set fee.
He also stated that it was unfair that banks, not-for-profits, insurance and real estate businesses are exempt.

Chris Lewis, co-owner of Porterville Physical Therapy, 112 N. ‘D’ St., opposed the assessment based on gross income. Additionally, their business is physician referral only, and cannot receive “foot traffic.” Mr. Lewis suggested that the BIA assessment become voluntary and make it a flat fee or a sliding scale.

Mayor Stadtherr closed the hearing to public comment at 9:53 p.m.

The Council Members expressed their support of the Business Improvements Area; however, they agreed that modification of some kind is needed in determining the assessments.

Mayor Stadtherr closed the public hearing at 10:19 p.m.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council accept the recommendation by staff and direct staff to come back in three months with recommendations on alternative assessment criteria. The motion carried unanimously.

Disposition: Approved

18. ENVIRONMENTAL REVIEW OF THE JAYE STREET NORTH OF STATE HIGHWAY 190 IMPROVEMENTS PROJECT - Continued

Recommendation: That the City Council adopt the attached resolution approving a Negative Declaration for the Jaye Street North of State Highway 190 Improvements Project.

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

The Mayor reopened the public hearing at 10:40 p.m.

Billie Chandler, 33251 Tule Oak Drive, Springville, came forward on behalf of the astronomy community to express concern about lighting. Mrs. Chandler asked if the environmental addresses glare, light trespass, light pollution and waste of energy.

The Mayor closed the hearing to the public at 10:45 p.m.

Council members asked for clarification on specific reports, the ingress/egress of Poplar Avenue and extension of Indiana Street.
COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council adopt the resolution approving a Negative Declaration for the Jaye Street North of State Highway 190 Improvements Project. The motion carried unanimously.

Disposition: Approved

19. “GRANITE HEIGHTS” - TENTATIVE SUBDIVISION MAP MODIFICATION NO. 1 (GARLAND GIFFORD)

Recommendation: That City Council:
1. Adopt the draft resolution approving reaffirming the Negative Declaration originally prepared for “Granite Heights” Tentative Subdivision Map; and
2. Adopt the draft resolution approving “Granite Heights” Tentative Subdivision Map Modification No. 1.

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

Mayor Stadtherr opened the public hearing at 10:53 p.m.

Jim Winton, 150 W. Morton, explained the reasoning for the modification request. Mr. Winton stated that modifications were needed to comply with the Water Master Plan and other requirements.

Mayor Stadtherr closed the hearing to the public at 11:00 p.m.

Council members asked for clarification on wells, hydrants and other items.

Mayor Stadtherr closed the public hearing at 11:04 p.m.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Irish that the Council adopt the resolution approving reaffirmation of the Negative Declaration originally prepared for “Granite Heights” Tentative Subdivision Map. The motion carried unanimously.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Irish that the Council adopt the resolution approving “Granite Heights” Tentative Subdivision Map Modification No. 1. The motion carried unanimously.

Disposition: Approved
21. CONSIDERATION OF A RESOLUTION SUPPORT SB 708 (FLORES)

Recommendation: Take action to approve/disapprove or modify the resolution which has been presented.

This item was continued to the September 16, 2003 meeting.

22. CITY OF PORTERVILLE 2003-2008 HOUSING ELEMENT

Recommendation: That the City Council approve the draft City of Porterville 2003-2008 Housing Element for submittal to the State Department of Housing and Community Development for review.

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

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member West that the Council approve the City of Porterville 2003-2008 Housing Element and Community Development for review. The motion carried unanimously.

Disposition: Approved

23. REVIEW OF ADDITIONAL MONIES WHICH MAY BE ACHIEVED THROUGH EXTENDING THE LIFE OF CITY COP’S

Recommendation: That Council direct staff to continue to monitor the market on a daily basis, and notify the Council of any favorable shift in interest rates that would allow for a restructuring of the 1998 Infrastructure COP’s to include the funding of additional capital of at least $5 million, while maintaining a fixed rate of interest in the issuance. Staff will, at such time, prepare a source and use analysis of the proceeds from the restructuring.

City Manager Longley presented the item and Deputy City Manager Pyle gave the staff report.

Council directed staff to proceed as recommended.

24. CONSIDERATION OF RETAINING A LOBBYIST TO ASSIST WITH SPECIAL FEDERAL PROJECTS

Recommendation: The City Manager requests authorization to enter into a six month agreement for a fee of $1,000 per month with Tom Rogers, to provide the City with
legislative representation relative to a Highway 190 project and a homeland security facility at the Porterville Airport.

The City Manager presented the item and gave the staff report.

Rick McIntyre, 31846 Country Club Drive, Chairman of the Committee for Improving Highway 190 came forward to speak. Mr. McIntyre expressed his support for authorizing Mr. Longley to engage a lobbyist. Mr. McIntyre shared that the committee had been working very hard to bring funding for the Highway 190 widening to our area.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council authorize the City Manager to enter into a six month agreement for a fee of $1,000 per month with Tom Rogers, to provide the City with legislative representation relative to a Highway 190 project and a homeland security facility at the Porterville Airport. The motion carried unanimously.

Disposition: Approved

25. CONSIDERATION OF GRAFFITI REWARD PROGRAM

Recommendation: Council’s direction.

The City Manager presented the item and Police Chief Silver Rodriguez gave the staff report.

Council Member Irish requested a modification in wording so it reads “information leads to the identification, arrest and conviction of the involved....”

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Irish that the Council approve the concept of the Graffiti Award Program as outlined in the staff report. The motion carried unanimously.

Disposition: Approved

26. CONSIDERATION OF SCHEDULING THE THIRD STRATEGIC PLANNING SESSION AND THE PRESENTATION OF SUBJECT WHITE PAPERS

Recommendation: Set the date for the next Strategic issues forum. The suggested date at this time is Saturday, November 1st.

City Manager Longley presented the item and gave the staff report.
Council agreed on the date and Mayor Stadtherr directed the staff to set November 1, 2003, at 9:00 a.m. the Library as the date for the Third Strategic Planning Session.

The Council adjourned to a meeting of the Porterville Redevelopment Agency at 11:30 p.m.

PORTERVILLE REDEVELOPMENT AGENCY
September 2, 2003

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

WRITTEN COMMUNICATIONS
There were no written communications.

ORAL COMMUNICATIONS
There were no oral communications.

PUBLIC HEARING

PRA-1. SALE OF PROPERTY TO THE HOUSING AUTHORITY OF TULARE COUNTY

Recommendation: That the Porterville Redevelopment Agency approve the sale of property located at the east line of Fourth Street, at East Thurman Avenue to the Housing Authority of Tulare County and authorize the chair to sign all necessary documents to complete the transaction.

The Agency Secretary presented the item and the Community Development Director gave the staff report. Mr. Dunlap reviewed three modifications to the Purchase Agreement not shown. Those modifications are:

1. Purchase agreement shall include the stipulation that the eight (8) public parking spaces be the westerly most spaces Thurman Avenue and Fourth Street.
2. The Housing Authority agrees to maintain said parking spaces for a term not to expire prior to October 1, 2023.
3. Repurchase Option Section 6.2.2 change to read “The failure of Buyer to obtain a Building permit within two years...”.

Chairman Stadtherr opened the public hearing at 11:32 p.m.

No one spoke in favor of, or in opposition to, this item.

The Chairman closed the hearing to public at 11:33 p.m.
AGENCY ACTION

MOVED by Agency Member Irish, SECONDED by Agency Member West that the Redevelopment Agency approves the sale of property, with the three modifications, located at the east line of Fourth Street, at East Thurman Avenue to the Housing Authority of Tulare County and authorizes the chair to sign all necessary documents to complete the transaction. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTER

PRA-2. DOWNTOWN DEVELOPMENT EFFORTS

Recommendation: That the Redevelopment Agency direct staff to continue the cooperative efforts with the property owner in attracting retailers, including entertainment facilities, to the community; and, direct staff to present the concept of amending the Strategic Plan to include an entertainment component to the Redevelopment Advisory Committee.

Agency Secretary Longley presented the item and gave the staff report.

AGENCY ACTION

MOVED by Agency Member Irish, SECONDED by Agency Member West that the Redevelopment Agency directs staff to continue the cooperative efforts with the property owner in attracting retailers, including entertainment facilities, to the community; and, directs staff to present the concept of amending the Strategic Plan to include an entertainment component to the Redevelopment Advisory Committee.

M.O. 01-090203

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

Disposition: Approved

The Redevelopment Agency adjourned to a meeting of the Porterville City Council at 11:42 p.m.

ORAL COMMUNICATIONS

Dick Eckhoff, 30 E. Oak, came forward and spoke about Downtown Development Efforts. Mr. Eckhoff stated that he thinks it is an excellent idea and that an Entertainment Center will bring people to the downtown area.
OTHER MATTERS

• Council Member Irish asked about removal of the fencing around the J.C. Penny building, traffic counts at Westfield and Newcomb, insurance policy for Council Member travel, file cabinets for under the dias, and name plates for staff members.

• Mayor Pro Tem Martinez would like staff to investigate the creation of a committee with school administration officials.

• Council Member West requested that staff check on the medians and Transit Center watering throughout Porterville for overflowing.

CLOSED SESSION

Mayor Stadtherr adjourned the Council at 11:50 p.m. to the Closed Session.

16a. Closed Sessions Pursuant to:
• Government Code § 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Brad Maples and Steve Allen v. City of Porterville, et al;
• Government Code § 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case;
• Government Code § 54957 - Public Employee Discipline/Dismissal/Release; and,
• Government Code § 54957.6 - Conference with Labor Negotiator, Agency Negotiator: Darrel Pyle. Employee Groups: Porterville Police Officers Association, Porterville City Employees Association, Porterville City Firefighters Association; and all other unrepresented employees.

The Council reconvened from the Closed Session at 1:05 p.m. No action was taken.

ADJOURNMENT

The Council adjourned at 1:05 a.m. to September 16, 2003.

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Georgia Hawley, Deputy City Clerk
By Vickie Schulz, Secretary

SEAL

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Richard M. Stadtherr, Mayor