Pledge of Allegiance Led by Council Member Ronald Irish
Invocation by Pastor John Eby, First Baptist Church
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PROCLAMATION
Commendation Proclamation for Sally Hurtado

PRESENTATIONS
• Employee of the Month – Denise Marchant for January 2004

• Bob Raymond, and Ethan Aparicio, Allstate Insurance Officers, came forward with a Check for Gang Violence Education. They thanked Eric Kroutil and Chief Rodriguez for applying for the grant.

• City Manager’s Featured Project for January 2004
  - GASB 34 Compliance – Presented by Susan Slayton, Chief Financial Officer

ORAL COMMUNICATIONS
• Neil Smith, 55 North Hockett, came forward as Chairman of the Parks and Leisure Services Commission and spoke about the Skateboard Park and the tree planting program.

• Felipe Martinez thanked staff for putting the Council agenda on the internet website.

• Dorothy Broome, 863 S. Crystal Street, also thanked the staff for the internet agenda and spoke about the Porterville Recorder carrying the agenda. She asked about the wireless surveillance cameras to be purchased under Item No. 2.

• Dick Eckhoff, 180 N. Main Street, asked to speak during Item 19. He then read the following letter into the record regarding temporary vendors:

Porterville City Council and Staff:
Downtown Porterville Association, Inc. has received many comments from merchants regarding the proliferation of temporary vendors, both fixed site and mobile, that set up in the Porterville area during the holidays to take advantage of heavy short-term sales. These temporary vendors take advantage of little or no long-term overhead and apparent low prices to drain much needed revenue from the local area. Last year there were so many located in or near Downtown that merchants noted a dramatic drop in their holiday sales.

Temporary vendor sales during the holidays bring in no real benefit to the City or to our BID. In fact if they are operating in the BID, they are doing so without having to
pay the additional assessment required of all other businesses in the BID. Our Downtown businesses not only have to pay this assessment, but report their sales. Since temporary vendor sales are reported, if at all, through their headquarters location, tax revenue on those sales is diverted from the City as well.

Temporary booths also take away from the appearance of our community, some being little more than a box and a sign. They are often set up on vacant lots, in front of businesses that are closed for the weekend, or on the sidewalks. I once saw a vendor completely blocking the handicap ramp at an intersection, forcing wheelchairs to roll in the street to the next driveway entrance.

It is our request, on behalf of the Downtown merchants, that the City or Porterville consider setting limits on the number, location and concentration of temporary business licenses it issues for this area. We also request that license requirements be strictly enforced. The proximity of Valentine’s Day brings special urgency to our request.

If you have any questions, I will be happy to answer them. Thank you for your consideration.

• Lori Lady, 369 N. Beverly, re: ROCK-Rescue our Community Kids trying to help kids with drug problems. She requested support from the Council.

CONSENT CALENDAR

Consent Calendar Items 1, 2, 4, 8 and 9 were pulled for discussion.

3. **AUTHORIZATION TO ADVERTISE FOR BIDS – MEMORY LANE WIDENING PROJECT**

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

Disposition: Approved
Documentation: Minute Order No. 01-012004

5. **ACCEPTANCE OF THE GRANITE HILLS STREETS PROJECT – PHASE 2**

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Disposition: Approved
6. ACCEPTANCE OF THE JAYE STREET WATER MAIN PROJECT

Recommendation: That City Council:
1. Accept the Jaye Street Water Main Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the filing of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Disposition: Approved
Documentation: Minute Order No. 02-012004

7. ACCEPTANCE OF THE RIGHT OF WAY FOR PROPERTY LOCATED AT APN 245-040-006 & 007 – WILLARD BENNETT, OWNER – HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Willard Bennett in the amount of $5,073.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Disposition: Approved
Documentation: Resolution No. 03-012004


COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to approve items numbered 3, 5 through 7, and 9a. The motion carried unanimously.

Council Member Irish requested that these minutes be voted on separately due to his absence from the December 23rd meeting. Mayor Stadtherr was also not present at the same meeting, and therefore abstained as well.

COUNCIL ACTION: MOVED by Council Member Irish, and SECONDED by Council Member Hamilton to approve the City Council Minutes of December 16, 2003. The motion carried unanimously.

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to approve the City Council Minutes of December 23, 2003.

M.O. 05-012004

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

Disposition: Approved

2. PURCHASE OF SPECIALIZED POLICE EQUIPMENT

Recommendation: That Council authorize staff to negotiate with Gamut Electronics for the purchase of the Code Five Surveillance System at a cost of $14,280, and authorize payment upon satisfactory delivery of the equipment.

Police Chief Silver Rodriguez came up to present the report on this item.

Council Member Irish asked if Grant monies would be used to purchase this equipment, to which Chief Rodriguez stated that it would be funded by grant monies and not the General Fund.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation. The motion carried unanimously.

Disposition: Approved

4. DEDICATION OF DIVING BOARDS FROM MUNICIPAL POOLS COMPLEX TO MONACHE SCHOOL

Recommendation: That City Council:
1. Approve the dedication of the diving boards and stands; and
2. Allow Monache Athletics to remove items from the Corporation Yard.
Mayor Stadtherr requested elaboration on how this did not constitute a gift of a public fund.

City Attorney Julia Lew explained that when there is a transfer of a resource from one public agency to another, there is no gift of public funds because it is for a public purpose.

**COUNCIL ACTION:** MOVED by Mayor Stadtherr, SECONDED by Council Member West to approve the dedication of the diving boards and stands; and allow Monache Athletics to remove items from the Corporation Yard. The motion carried unanimously.

Disposition: Approved

8. SURPLUS TRANSIT VEHICLES

Recommendation: That the Council authorize Staff to surplus two 16-passenger transit buses and send them to the next regularly scheduled City auction.

Council Member Irish asked how the Council would feel about contacting the County again to inquire about interest in these vehicles, instead of going to auction at this time.

**COUNCIL ACTION:** MOVED by Mayor Stadtherr, SECONDED by Council Member West to deny the recommendation to take the two 16-passenger transit buses to auction, and directed staff to approach the County of Tulare again for a bid. The motion carried unanimously.

Disposition: Approved

9. CONSIDERATION OF HIRING FREEZE, RESTORATION OF SELECTED POSITIONS, FRANCHISE IN-LIEU FEE, AND PERFORMANCE OF A REVIEW OF CITY FEES.

Recommendation: 1. Continue the existing hiring and travel freeze.

2. Authorize the recruitment and hiring of an Assistant City Engineer and Leisure Services Coordinator.

3. Effective March 1, 2004, increase the In Lieu Franchise Fee to an annual $990,000 per year.

4. Authorize the City Manager’s office to retain a contractor to undertake a comprehensive review of City fees and charges for City Council review.

Council Member Irish stated that he understood the need for these two positions, but was uncomfortable hiring as needed while the freeze was in effect.

City Manager Longley added that these two positions were critical at this point in time, and that these two positions were already contemplated in the budget, and would not affect the budget.
Council Member Irish requested more information on what jobs are frozen, to which City Manager Longley stated that such information could be provided.

Mayor Pro Tem Martinez stated that there was an understanding that the City Manager had been given discretion to hire for public safety positions that were considered of dire necessity.

Council Member West asked why there was a need for a Leisure Services Coordinator for the Community Center if the Community Center was not yet opened, and agreed that if the Council was going to be asked to approve hiring then the freeze should be lifted.

City Manager Longley stated that this individual would be involved in the transfer of the Youth Center Program to the Community Center.

Council Member Irish asked if there was a reason why the fee structure could not be calculated in-house.

City Attorney Lew stated that it was always done outside due to the complexity of the fee structure.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member Hamilton, to accept staff’s recommendation. The motion carried unanimously.

Disposition: Approved

The Council held a short recess from 7:45 - 7:55 p.m.

**ORAL COMMUNICATIONS**

- Jim Podergois, one of the owners of the Mint, re: cutting the water off at the Hotel California.

- Dr. Rice, El Granito Foundation, 450 W. Springville Dr., came forward on behalf of the Hotel California, formerly Paul Bunyan, had a proposal to pay $1,000 a week on the $18,000 water bill until it was paid. There are about 40 families, half of which are homeless, in the Hotel.

- J.D. Bond, lease option owner of the property, asked for consideration to pay the water bill.

- Larry Catalina, former owner of the Paul Bunyan, and Mr. Shah, owner of the property, stated that the bill was not being paid and it was no one’s fault but J.D. Bonds.

- Mr. Shah spoke about the problems he was experiencing with Mr. Bond.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member Hamilton to close Oral Communications.

M.O. 10-1012004
AYES: West, Hamilton, Irish, Stadtherr
NOES: Martinez
ABSTAIN: None
ABSENT: None

Disposition: Approved

The City Manager read the Hotel California time-line of events into the record at the request of Council Member Hamilton as follows:

**HOTEL CALIFORNIA - TIMELINE OF EVENTS**

04/25/03 Erma Smith, member of the Hotel California Porterville LLC, turns on service for all three meters.

08/20/03 Utility billing staff alerts supervisor, Kim Maxwell, to the fact that no payments have been received on the account. Kim attempts to contact Erma Smith, but is told that she is no longer the manager. Kim leaves a message, requesting that the new manager contact her and sign up for services. No call is received from the new manager; no one comes in to sign up for services.

08/25/03 Kim mails a letter to the hotel, requesting payment and a new services signup. September 9, 2003, was the date given as the deadline for payment or contact for payment arrangements.

09/10/03 Services are disconnected, all three meters. After reports of meter tampering, which resulted in meter damage, water meters are removed.

09/11/03 Darrel Pyle, Deputy City Manager, drafts agreement for payment between Hotel California and the City. J.D. Bond signs the letter and pays $700 on the utility account, $1,200 on the outstanding transient occupancy tax due. Letter states that the balance of $3,385 will be paid by 5:00 p.m. on 9/25/03.

09/26/03 Services are disconnected. J D Bond and Erma Smith file bankruptcy as Hotel California. Tenant, The Mint, separates its water service from the hotel with landlord’s, Jigish Shaw, permission. Water service is restored to the hotel based on the bankruptcy filing (two meters; third on serves The Mint).

10/01/03 Letter is sent to J.D. Bond requesting deposit for future services. Not enforced as City Attorney, Julia Lew, wants to research this further.

10/22/03 Memo is received from City Attorney, Lynn Beckers, advising us that Mr. Bond failed to file the supporting documents for his bankruptcy and that the court has provided him with an extension until November 13, 2003.

11/13/03 Bankruptcy is dismissed due to failure to file documents.

11/19/03 Letter is sent to J.D. Bond requesting full payment for past due balances, due by 5:00 on 11/20/03.

11/20/03 J.D. Bond files bankruptcy again.

12/02/03 City Attorney, Lynn Beckers, sends a letter to J.D. Bond, requesting an adequate assurance payment in the amount of $2,209.35, which is a 12-month average of the hotel’s bill. Due date for payment is 12/10/03.
12/11/03 Services are disconnected, and both meters are removed. J. D. Bond pays $1,600 in cash. Balance
is due before services will be restored.

12/12/03 Balance of $609.35 is paid. Services are restored.

01/08/04 J.D. Bond’s bankruptcy dismissed. On the advice of City Attorney, Lynn Beckers, collection efforts
will not resume until the documents have been signed by the judge and are available online for
printing.

01/14/04 On the advice of Ms. Beckers, a 24-hour notice is hand delivered to the hotel, requesting full
payment for past due balances no later than 2:00 p.m. on 1/15/04

01/15/04 Services are disconnected, and both meters are removed.

01/16/04 The Mint operator, Sherry Gonzales, notifies us that water is being stolen from her. The police are
sent to discuss water theft with the hotel. J. D. Bond contacts the mayor and asks for a meeting to
discuss the situation. City attendees: Mayor Stadtherr, John Longley, Darrel Pyle, Susan Slayton,
Kim Maxwell.
Hotel attendees: J. D. Bond, Janice Rice, and two other individuals (man and woman). Mayor
Stadtherr decides to wait until Tuesday, January 20, when the full council is available, to make any
decisions on this account. He is also waiting for a letter from J. D. Bond, detailing his situation and
request for clemency.
Without the letter, no action will ensue.
J. D. states that Sherry Gonzales is willing to allow him to use The Mint's water; he contacts Sherry
who tells Susan Slayton that she is NOT willing. J. D. and company leave.

01/19/03 Susan notifies Jigish Shaw of the potential Council action. Mr. Shaw has an order for eviction, set

The Council took a short recess from 8:25 p.m. to 8:35p.m.

PUBLIC HEARING

10. GENERAL PLAN AMENDMENT 1-2004 (CIRCULATION ELEMENT) TO
REDESIGNATE DATE AVE. BETWEEN HOWARD STREET AND SOUTH MAIN
STREET FROM AN ARTERIAL STREET TO A COLLECTOR STREET

Recommendation: That the City Council:
1. Adopt the attached resolution approving a Negative Declaration for the
Date Avenue and “A” Street Improvement Project and the amendment of
the Circulation Element of the General Plan to re-designate Date Avenue
to a Collector Street.
2. Approve the draft resolution for General Plan Amendment 1-2004 to
amend the Circulation Element of the General Plan to re-designate Date
Avenue from an Arterial Street (84 feet wide) to a Collector Street (60 feet
wide).

Mayor Stadtherr opened the Public Hearing at 8:38 p.m.
Mr. Ben Webb, 97 S. Corona Drive, came up to inform Council of the history of this Circulation Element in regards to Date Street, and express his concerns for the way the process is implemented.

Community Development Director Brad Dunlap responded to Mr. Webb’s comments by clarifying the time line of events and explaining staff’s assessment of the Circulation Element and street improvements.

City Attorney Julia Lew explained that she did not see a problem with Council approving this item.

Council Member Hamilton asked if an 84-foot street would be more logical considering the anticipated capacity increase as a result of the construction plans in the area.

Community Development Director Brad Dunlap stated that a collector street’s capacity is approximately 12,000 trips per day and is wider than a typical residential street.

Public Works Director Baldo Rodriguez stated that there would be significant costs for an 84-foot street with the improvements planned.

COUNCIL ACTION: MOVED by Mayor Pro Tem Martinez, SECONDED by Mayor Stadtherr to adopt the attached resolution approving Negative Declaration and to carry over the General Plan amendment to a future meeting to allow Council to study the matter further.

M.O. 11-012004
AYES: Martinez, Stadtherr
NOES: West, Hamilton, Irish
ABSENT: None
ABSTAIN: None

Disposition: Defeated

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish to adopt the attached resolution approving Negative Declaration. The motion carried unanimously.

Resolution 2-2004
AYES: West, Hamilton, Irish, Stadtherr
NOES: Martinez
ABSENT: None

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish to approve recommendation No. 2, to approve the draft resolution for the General Plan Amendment.

Resolution 3-2004
AYES: West, Hamilton, Irish, Stadtherr
NOES: Martinez
ABSENT: None
ABSTAIN: None

Disposition: Approved

11. ZONE CHANGE 5-2003 (ZENZ & O’SULLIVAN)

Recommendation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration for Zone Change 5-2003.
2. Adopt the draft ordinance approving Zone Change 5-2003.

Council Member Irish abstained from this item.

The public hearing was opened to the public at 9:19 p.m.

Jim Winton, 150 W. Morton came up on behalf of the applicants and owners of the property. He also brought up that approval of this draft resolution would augment a large commercial site to over an acre for future commercial development.

The hearing was closed to the public at 9:20 p.m.

COUNCIL ACTION:
MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member Hamilton to accept staff’s recommendation.

Resolution 4-2004
AYES: West, Hamilton, Martinez, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: Irish

Disposition: Approved

The City Manager read the Ordinance by title only.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to waive further reading and to order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 5-2003 BEING A CHANGE OF ZONING FROM R-1 (ONE FAMILY RESIDENTIAL) TO C-1 (D) - (NEIGHBORHOOD COMMERCIAL WITH A DESIGN REVIEW OVERLAY) FOR THAT .34± ACRE SITE LOCATED ON THE WEST SIDE OF NEWCOMB STREET, APPROXIMATELY 290± FEET SOUTH OF HENDERSON AVENUE.

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

Disposition: Approved

12. AMALENE ESTATES – TENTATIVE SUBDIVISION MAY (BECHARA)

Recommendation: That the Subdivision Review Committee recommend that the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Amalene Estates Tentative Subdivision Map; and
2. Adopt the draft resolution approving Amalene Estates Tentative Subdivision Map.

The hearing was opened to the public at 9:25 p.m.

Jim Winton, 150 W. Morton, came up to state that the developer is willing to compromise on the fencing requirements, and to explain their reasoning for not agreeing to a block wall. He also shared with Council the type of fencing being suggested by the developer, steel-post reinforced redwood fence.

Jerry Jennings, 15167 Rd. 223, came up and requested that a chain-link fence be installed.

Alice Cobbs, 1922 N. Newcomb, stated that she owns the commercial property on the corner and requested that she would like to see a masonry wall installed.

The hearing was closed to the public at 9:34 p.m.

Mr. Dunlap clarified for Council the lots in which the type of fencing was in question.

Council Member Irish stated that the Fencing Ordinance does not cover the type fencing required between residential and pasture land, or ag-land; and asked if there had been instances in the past where the City required a residential property to build a wall.

Mr. Dunlap stated that it had been explored previously, but has never been required.

Council Member West asked Mr. Webb to elaborate on the fencing type proposed by the developer.

Mr. Webb stated that the steel post would be set in concrete and the redwood panels would be screwed on as opposed to nailed, and that the fence is projected to have a 15 to 18 year maintenance free period.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish to accept staff’s recommendation, and to approve the developer’s proposed steel post reinforced, redwood fencing.
Resolution 5-2004  AYES:  West, Hamilton, Irish, Stadtherr
NOES:  Martinez
Resolution 6-2004  ABSENT:  None
ABSTAIN:  None

Disposition:  Approved

13.  CONDITIONAL USE PERMIT 2-2003 – PROPOSED SALE OF ALCOHOLIC
BEVERAGES UNDER AN ON-SALE LICENSE AT 58 EAST MILL AVENUE
(STAN’S RESTAURANT) (Cont. to 2/3/04)

Recommendation:  It is recommended that the City Council open the public hearing and continue
this item to the next scheduled meeting of the City Council on February 3, 2004.

The public hearing was opened to the public at 9:50 p.m.

COUNCIL ACTION:  MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member
West to continue this item to the next scheduled meeting of the City
M.O. 12-012004  Council. The motion carried unanimously.

Disposition:  Approved

14.  SEWER USER SURCHARGE FEES FOR INDUSTRIAL DISCHARGERS

Recommendation:  That the City Council:
1.  Open the public hearing and receive comments; and
2.  Authorize the Mayor to sign the resolution setting new sewer user
surcharge rates for industrial dischargers.

The public hearing was opened at 9:53 p.m.

 Council Member Hamilton asked if this fee would be used to re-pay the six million dollar loan,
felt that it was premature to establish a fee before the loan is approved, and asked if the fee could be
removed if the loan was not received.

City Manager Longley stated that this fee was a requirement of the Cease and Desist order, and
separate from the loan. He continued to state that the revenue program covers all components of
treatment, and that the fee is necessary even without the loan approval to comply with the Cease and
Desist order.

Council Member Hamilton asked if this could be put off until the loan is approved.

Council Member Irish suggested that the wording be adjusted (2nd paragraph) because it could
be construed as misleading, and be brought back to Council at the next meeting.
COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Martinez to bring back the item at the next scheduled Council meeting with the requested revisions. The motion carried unanimously.

Disposition: Approved continuation.

15. ABANDONMENT OF A PORTION OF HOWARD STREET (PORTERVILLE UNIFIED SCHOOL DISTRICT)

Recommendation: That City Council:
1. Adopt the Resolution of Abandonment, including reservations, for said portion of Howard Street; and
2. Authorize the City Clerk to record the Resolution of Abandonment with the County Recorder.

The public hearing was opened at 10:03 p.m, and the hearing was closed to the public at 10:04 p.m.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West to accept staff’s recommendation. The motion carried unanimously.

Resolution 7-2004

Disposition: Approved

16. WHOLESALE WATER POLICY

Recommendation: That the City Council:
1. Open the Public Hearing and receive public comments; and
2. Authorize the approval of the draft Wholesale Water Policy as presented.

The hearing was opened to the public at 10:09 p.m., and closed to the public at 10:10 p.m.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation. The motion carried unanimously.

Disposition: Approved

SECOND READING

17. ORDINANCE 1644, AMENDING SECTIONS OF MUNICIPAL CODE RELATING TO CONCRETE IMPROVEMENTS.

Recommendation: That Council give Second Reading to Ordinance No. 1644, waive further reading, and adopt said ordinance.
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish to accept staff’s recommendation. The motion carried unanimously.

Ordinance 1644

Disposition: Approved

SCHEDULED MATTERS

18. PARKS AND LEISURE SERVICES COMMISSION REPORT/YOUTH MEMBERS

Recommendation: Receive the report of Youth Commissioners, no action is requested at this time.

Mr. Perrine read a comment given by Megan Acosta via telephone. She wanted to convey to Council that she thought that it was good idea to invite youth to participate, and that it has been an educational experience and very enjoyable. Mr. Perrine stated that staff has realized the importance of bringing forth information that is understandable by all.

April Tolson, commented on the effectiveness of the program.

City Manager Longley recommended that the Youth Members be placed on Presentations, which would allow them to comment earlier in a future meeting.

19. BUSINESS IMPROVEMENT DISTRICT ASSESSMENT REVIEW

Recommendation: That City Council:
1. Authorize no changes to the method of levying assessments be made in the 2003-2004 Fiscal Year; and
2. Make a recommendation for options to be implemented in 2004-2005 and future fiscal years.

Community Development Director Brad Dunlap presented the staff report.

City Attorney Julia Lew stated that the ruling of the FPPC was that the Mayor could participate in the Council Action pertaining to this item.

Dick Eckhoff, Downtown Porterville Association, came up to speak on behalf of D.P.A. in support of Option 3.

Council Member Hamilton asked Mr. Eckhoff for an update of D.P.A.

Mr. Eckhoff commented on the new resources available and events/activities scheduled for this coming year. He also shared the recent successes during the 2003 holiday season.

Council Member Irish commented on the possibility of inaccurate reporting of income if the fee is based on a percentage instead of a flat fee.
Chris Lewis, Porterville Physical Therapy, commended staff’s efforts in seeking a better, more equitable solution for all the businesses in the area. Cautions Council to use gross profits as a means of establishing the fee, due to differences in business expenses (i.e. employee salaries, etc.) He stated the majority of activities and events put on by the B.I.A. were retail oriented, which made it difficult for his business to participate.

Council Member West stated that he felt that the fee should not be mandatory if a business does not benefit from it.

Council Member Irish stated that everyone in Porterville benefits from what is going on downtown, and that this organization is vital to keeping downtown alive. He did agree that not all benefit equally, and would hope that a fair way to establish fees is possible.

Mayor Pro Tem Martinez commended Downtown Porterville Association for taking an active role in developing a fee, and hiring an administrative assistant.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to approve staff recommendation #1, and send recommendation #2 back for staff review.

M.O. 15-012004

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

Disposition: Approved

The Council took a short break from 10:55 p.m. to 11:05 p.m.

22. CALIFORNIA TRANSIT INSURANCE POOL

Recommendation: That the City Council:
1. Authorize staff to complete the application process for inclusion in the California Transit Insurance Pool, together with the payment of $88,683 to cover the first year’s annual deposit for transit fleet insurance coverage through CalTip;
2. Authorize the Mayor to execute any and all documents required to effect the City’s membership in the CalTip insurance program; and
3. Authorize staff to negotiate with Sierra Management accordingly to adjust the remainder of their current Agreement with the City of Porterville.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation. The motion carried unanimously.
23. TRANSIT AGREEMENT WITH SIERRA MANAGEMENT

Recommendation: That the City Council:
1. Authorize staff to negotiate a two-year extension of the existing transit contract with Sierra Management for approval by the City Council to become effective July 1st, 2004, through June 30th, 2006; and
2. Request that Sierra Management provide a yearly Profit and Loss Statement for review by the Staff to further the City’s and Contractor’s desire to maintain cost containment.

Council Member Irish asked why staff has limited the extension to two years.

City Manager Longley stated that this was due to the fact that this is the first negotiating contract.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation. The motion carried unanimously.

Disposition: Approved

20. COMMUNITY DEVELOPMENT DEPARTMENT COMMITTEE MODIFICATIONS

Recommendation: That the City Council approve the proposed modifications to City Committees as outlined in Exhibit A and as it pertains to specific actions as follows:
1. Authorize staff to initiate a public hearing to consider the establishment of a fee for the submittal of Project Review Committee applications;
2. Authorize staff to include in the update to the local California Environmental Quality Act guidelines the elimination of the Environmental Review Committee and the declaration of responsibility to the Environmental Coordinator;
3. Authorize staff to initiate the process of amending the Subdivision Ordinance to discontinue the Subdivision Review Committee;
4. Authorize staff to coordinate with the Workforce Investment Department to transfer the facilitation of the committees referenced in Exhibit A to the Workforce Investment Department and authorize the Mayor to sign the necessary paperwork.

Council Member Irish asked that thank you letters be sent to the members of all the committees that were disbanded.

Mayor Pro Tem Martinez asked for clarification on the meaning of “voluntary basis” in regards to Denise Marchant’s participation in the Mural Committee.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation. The motion carried unanimously.

Disposition: Approved

21. OUTSIDE AGENCY SERVICES – TULARE COUNTY VEHICLE MAINTENANCE CONTRACT

Recommendation: That the City Council approve one of the following options:
1. Continue to provide services to the County of Tulare as provided by the contract beginning February 25, 1981 and all amendments thereto; or
2. Cancel the contract with the County of Tulare by 30 day written notice as provided for in the terms and conditions thereof.

Council Member West and Council Member Irish both agreed that they do not want to see these services being provided to the County by another city.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West to accept staff’s recommendation to continue services. The motion carried unanimously.

Disposition: Approved

24. CONSIDERATION OF REVISED COUNCIL MEETING TIMES

Recommendation: That the City Council either:
1. Maintain the Council meeting time of 7:00 p.m. pursuant to Ordinance No. 1415; or
2. Approve the draft ordinance changing the Council meeting time to 5:30 p.m. to conduct Closed Sessions, and 6:30 p.m. to conduct regular meetings, give First Reading to the draft ordinance, and order the ordinance to print.

COUNCIL ACTION: MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member West to begin closed session at 6:00 p.m. and open session at 7:00 p.m and approve the ordinance and waive further reading of the ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 2, SECTION 2-1, TIME AND PLACE OF REGULAR MEETINGS. The motion carried unanimously.

Disposition: Approved
25. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly portfolio summary in accordance with SB564 and SB866.

26. INTERIM FINANCIAL STATUS REPORT

Recommendation: Accept the interim financial status reports as presented.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Martinez to accept the Quarterly Portfolio Summary and the Interim Financial Status reports as presented.

Disposition: Approved

27. APPROVAL OF COMMUNITY QUESTIONNAIRE

Mayor Stadtherr requested that this item be moved to a future meeting where there are fewer items on the agenda.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
January 20, 2004

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

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

PRA-1. AWARD OF CONTRACT – CASAS BUENA VISTA – LANDSCAPE MAINTENANCE DISTRICT #25

Recommendation: That the Redevelopment Agency:
1. Award the Casas Buena Vista LMD #25 Project to Rainscape in the amount of $191,878;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency fee to cover unforeseen contract costs.

AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Member West to accept staff’s recommendation. The motion carried unanimously.

PRA 01-012004
The Porterville Redevelopment Agency and the City Council adjourned to a Meeting of the Porterville City Council at 12:02 a.m.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member West commented that he felt it was time to get serious with fundraising efforts for the Skateboard Park and get it built.
• Council Member Irish stated that he was concerned with the issue of Downtown Vendors and door-to-door salesmen.
• Mayor Pro Tem Martinez directed staff to look into possible guidelines and policies for the naming of parks, buildings, facilities, etc.
• Council Member Hamilton requested a study session in May for refuse and recycling. He stated that he would also like to discuss used car lots in parking lots, possibly a public hearing.

CLOSED SESSION


The Council adjourned to Closed Session at 12:12 a.m. and reconvened at 1:15 a.m.

ADJOURNMENT
The Council adjourned at 1:15 p.m. to the meeting of February 3, 2004.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

Richard M. Stadtherr, Mayor