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

PROCLAMATIONS
“Arbor Day” - March 9, 2004
“Educational Partnership Week 2004" - March 8 to March 12, 2004

PRESENTATION
Employee of the Month - Rene Villarreal

ORAL COMMUNICATIONS
• Felipe Martinez, 195 W. Putnam, spoke regarding water issues and possible USDA funding to improve water systems.
• Dorothy Broome, 863 S. Crystal, spoke regarding the change in Council meeting time.
• Cathy Capone, 1076 Westfield, spoke regarding placing the complete City Council agenda on the Internet, and Rocky Hill and the need for a discussion on planning for that area
• Pete McCracken, 657 Village Green, spoke regarding the agenda on the Internet
• Donnette Silva-Carter, Chamber of Commerce, 93 N. Main St., spoke regarding the First Friday Coffee Invitation. She stated that the Paint the Town meeting was postponed until May 29.

CONSENT CALENDAR
Items Nos. 4 and 9 were removed.

1. CLAIM - SOUTHERN CALIFORNIA GAS COMPANY

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.

Documentation: Minute Order 01-030204
Disposition: Approved

2. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 1, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event application form.

Documentation: Minute Order 02-030204
Disposition: Approved
3. RESOLUTION CONFIRMING THE FUNDING FOR THE NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council approve a resolution for the use of Section 108 funds including the authorization for the issuance of the Note, execution of the Contract, and authorization for the Mayor to execute all documents necessary to accomplish the transaction.

Documentation: Resolution 19-2004
Disposition: Approved

5. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 245-390-011 – GENARO VAZQUEZ MARTINEZ AND MAGENCIO VAZQUEZ VAZQUEZ – HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Genaro Vazquez Martinez and Magencio Vazquez Vazquez in the amount of $6,040.00 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.

Documentation: Resolution 20-2004
Disposition: Approved

6. UPDATE OF The CIE DB LOAN PROCESS AND ON THE WASTE DISCHARGE REQUIREMENT (WDR) PROJECTS

Recommendation: For information only

7. PROJECT SUPPLEMENT TO THE LOCAL AGENCY – STATE MASTER AGREEMENT – CONSTRUCTION OF CURB, GUTTER AND SIDEWALK FOR CORE AREAS 1, 2, 3 AND 4

Recommendation: That City Council:
1. Approve the subject program supplements by passing a resolution authorizing the Mayor to sign the subject program supplements; and
2. Direct staff to return the signed program supplements to Cal Trans

Documentation: Resolution 21-2004
Disposition: Approved

8. APPOINTMENT TO CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE
Recommendation: That the City Council appoint Mr. Ruben Fuentes to a one year term on the CDBG Citizens’ Advisory and Housing Opportunity Committee.

Documentation: Minute Order 03-030204
Disposition: Approved

9a. CLOSED SESSION PURSUANT TO:
   1 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 302-100-013; APN 302-110-059. AGENCY NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND ROBERT NUCKOLS. UNDER NEGOTIATION: TERMS:

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to approve items 1, 2, 3, 5 through 8, and 9a. The motion carried unanimously.

Disposition: Approved

4. AWARD OF CONTRACT – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council approve Option 1 and authorize the Mayor to sign all necessary documents.

City Manager Longley requested that this item be removed from the agenda at this time and that a special meeting be scheduled for March 9, 2004 at 6:00 p.m., at which time this matter can be reviewed with additional analysis.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to schedule a special meeting for March 9, 2004 at 6:00 p.m. to review Item No. 4. The motion carried unanimously.

Disposition: Approved

9. REQUEST FOR ENCROACHMENT PERMIT – THE PRESS SHOP

Recommendation: That the City Council:
   1. Approve the encroachment request subject to the terms of the encroachment agreement and in compliance with all applicable City building codes and ordinances; and
   2. Authorize the Mayor to sign Encroachment Agreement No. 21-2004
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation.

M.O. 05-030204

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

Disposition: Approved

SECOND READING

10. ORDINANCE 1649, ZONING ORDINANCE AMENDMENT 1-2004

Recommendation: That Council give Second Reading to Ordinance No. 1649, then waive further reading, and adopt said ordinance.

The City Manager presented the item and read the ordinance by title.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton to give Second Reading to Ordinance No. 1649, then waive further reading, and adopt said ordinance, being AN ORDINANCE OF Ordinance 1649 THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE NO. 1198, BEING THE ZONING ORDINANCE OF THE PORTERVILLE MUNICIPAL CODE, PERTAINING TO CONSIDERATION OF GENERAL PLAN AMENDMENTS. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

11. ESTABLISHMENT OF A BANNER POLICY

Recommendation: That the City Council:
1. Authorize the use of the Affinity credit card funds for replacement of banners, setting up a reservation of fund balance for accumulating unexpended funds; and
2. Authorize staff to include banner replacement in the next budget update, based upon availability of funding from the Affinity program, and if funding is not adequate for replacement to continue review for replacement of banners in subsequent budgets; and,
3. Authorize the removal of torn and faded banners, consolidating the remaining banners, subject to the availability of personnel, along Main Street and areas next to the Highway 65 off-ramps at Olive and Henderson Avenues; and
4. Establish a policy for banners to include the frequency of banner replacement, and design of banner.

Council Member Hamilton stated that if the City is going to continue promoting Porterville as an All-American City then it needs to be done in the best likeness possible.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to allocate $4,000 from the Affinity credit card funds to be budgeted in Fiscal Year 2004, and to consider including banner replacement in the next budget updates for 2005. The motion carried unanimously.

Disposition: Approved

12. AUTHORIZATION TO NEGOTIATE PLANTING AND IRRIGATION WORK WITH SEQUOIA OFFICE OF THE CALIFORNIA CONSERVATION CORPS – VELB MITIGATION

Recommendation: That City Council authorize staff to negotiate an agreement with the California Conservation Corps to undertake the construction work on the VELB Mitigation site known as the Headgate Property.

Mayor Stadtherr asked if the current status of the Conservation Corps have any effect on this, to which Community Development Director Brad Dunlap answered that it would not be affected.

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

Disposition: Approved

13. SHOPPING CART REPORT – SCHEDULE A PUBLIC HEARING FOR A SHOPPING CART ORDINANCE

Recommendation: That City Council set April 2, 2004, as the date for the hearing of the Shopping Cart Ordinance.

Council Member requested that the three days allowed to pick up the property be changed to three working days.

Council Member Hamilton expressed his concern that the people who steal the carts are not mentioned in the policy, and that the store owners are being asked to pay to pick up their stolen property.

Mayor Stadtherr stated that the City has become a collection service for the stores.
City Manager Longley asked that Police Chief Rodriguez come forward to speak about this topic.

Chief Rodriguez stated that shopping cart stealing can be considered a misdemeanor, but certain criteria would need to apply.

Council Member Irish asked if a meeting between the larger retailers and staff could be arranged to discuss the problem.

**COUNCIL ACTION:** MOVED BY Council Member Hamilton, SECONDED by Council Member Irish to schedule a meeting to include larger retail outlets and staff prior to a public hearing being scheduled to discuss this problem and possible solutions; staff to present a report at the first meeting in April.

M.O. 08-030204 The motion carried unanimously.

Disposition: Approved

14. HILLSIDE/EASTSIDE WATER DEVELOPMENT PLAN

Recommendation: That City Council:
1. Direct staff to research funding sources for these projects; and
2. Accept the Eastside/Hillside Water Development Plan as presented.

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

M.O. 09-030204

Disposition: Approved

15. CONSIDERATION OF NOMINATING A REPRESENTATIVE FOR THE INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE

Recommendation: Nominate a member of the City Council to serve on the Indian Gaming Local Community Benefit Committee. The nomination will be sent to the Tulare County Board of Supervisors and the Tule River Tribal Council for consideration of appointment.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member West to approve nomination of Council Member Cameron Hamilton.

M.O. 10-030204

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

Disposition: Approved
16. CONSIDERATION OF REQUEST REGARDING CITY COUNCIL REORGANIZATION

Recommendation: None.

Mayor Stadtherr asked Council Member Irish why he felt reorganization was necessary at this time.

Council Member Irish stated that he did not want the representation of Council to continue in the direction it has been.

Mayor Pro Tem Martinez asked for elaboration from the City Attorney about the Charter.

The City Attorney stated that the Charter states that the Mayor or Mayor Pro Tem may be removed at any time by a majority vote of the Council.

Council Member Hamilton stated that he was not comfortable with Mayor Stadtherr going to KTIP radio and, what he felt, attacking a fellow Council Member.

Mayor Stadtherr asked if he was not allowed to express his opinion as an elected official.

Council Member Hamilton stated that it was not appropriate to insinuate that other Council Members participated in backroom politics.

Council Member Irish stated that it was not only directed toward himself, but past Council Members and past staff.

Council Member Hamilton stated that the Mayor’s remarks were offensive and not a sign of good leadership.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton to consider a City Council reorganization.

M.O. 11-030204

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

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to nominate Pete Martinez as Mayor. The motion carried unanimously.

M.O. 12-030204

Disposition: Approved
Council Member Hamilton nominated Ronald L. Irish for Mayor Pro Tem.

Council Member Stadtherr nominated Kelly West for Mayor Pro Tem.

Mayor Martinez nominated Cameron Hamilton for Mayor Pro Tem.

COUNCIL ACTION: MOVED by Council Member Hamilton to approve Council Member Irish as Mayor Pro Tem.

M.O. 13-030204

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

Disposition: Approved

ORAL COMMUNICATIONS

• Boyd Leavitt, 457 E. Oak, spoke regarding waterless urinals; having the Council agenda on the City website; and, Frank’s Stop & Go Market having alcohol sale advertisements on their building during a suspension of their alcohol sales.
• Cathy Capone, thanked Richard Stadtherr for his job as Mayor and bringing ideas to Council.
• Felipe Martinez, spoke regarding the representation of the City by the Council, and their working together.

OTHER MATTERS/COUNCIL COMMENTS

• Council Member Stadtherr, asked about the questionnaire update from the Visalia City Manager.
• Council Member Stadtherr asked for a Study Session on Solar in relation to a site visit to the Sewage Facility Plant by the contractor who constructed the solar facility in Oroville.
• Council Member Stadtherr asked about a Roundabouts Study Session.
• Council Member Stadtherr spoke about preparing a City Council Member coordination list of speakers and subjects
• Council stated that study sessions were to be prioritized by Council/staff

CLOSED SESSION

9a. CLOSED SESSION PURSUANT TO:

The Council adjourned to Closed Session at 8:38 p.m. and then reconvened at 8:59 p.m.

**ADJOURNMENT**

The Council adjourned at 8:59 p.m. to the meeting of March 9, 2004 at 6:00 p.m. for Item 4, Award of Contract - Neighborhood Community Center.

_______________________________
Georgia Hawley, Deputy City Clerk
By Luisa Herrera

SEAL

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Pedro R. Martinez, Mayor