Call to Order: 6:00 p.m.
Roll Call: West, Irish, Hamilton, Stadtherr, Martinez

CLOSED SESSION:

A. CLOSED SESSION PURSUANT TO:

1 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 245-040-005. AGENCY NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND RALPH AND JANET HOVANNISIAN. UNDER NEGOTIATION: ACQUISITION OF RIGHT OF WAY.


3 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 254-010-036. AGENCY NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND CARLOS S. MARQUES TRUSTEE. UNDER NEGOTIATION: ACQUISITION OF RIGHT OF WAY.

4 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 245-390-007. AGENCY NEGOTIATOR: TIMOTHY SIMON. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND STEVEN AND MELISSA KIRGBAUM. UNDER NEGOTIATION: ACQUISITION OF RIGHT OF WAY.


The Council adjourned to the Closed Session in the Conference Room at 6:03 p.m.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

The City Attorney stated that Council had taken action to accept property (APN 245-040-015) from John and Karen Hovannisian as stated in Resolution No. 22-2004.

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation by Pastor Jim Rogers, Foothill Presbyterian Church
PRESENTATIONS
• Presentation of Mayor’s Plaque to Richard Stadtherr
• Presentation about West Nile Virus/Mosquito Abatement by Cynthia Bartlett/RN
• CAFR
• City Manager Featured Projects

ORAL COMMUNICATIONS
None

CONSENT CALENDAR
Items 1, 7, 8, and 11 were removed.

2. CLAIM – ROBERT WHITLEY
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 01-031604
Disposition: Approved

3. CLAIM – MARINA MARRERO
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 02-031604
Disposition: Approved

4. BUDGET ADJUSTMENTS FOR THE 2003/2004 FISCAL YEAR
Recommendation: That the Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

Documentation: Minute Order 03-031604
Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS – VELB MITIGATION WATER WELL PROJECT
Recommendation: That City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: Minute Order 04-031604
Disposition: Approved
6. **AWARD OF CONTRACT – MEMORY LANE WIDENING**

**Recommendation:** That City Council:
1. Award the Memory Lane Widening Project to Central Valley Asphalt in the amount of $10,852.00;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

**Documentation:** Minute Order 05-031604  
**Disposition:** Approved

9. **REQUEST TO PURCHASE AIRPORT INDUSTRIAL SITE – RUSSKEN HOLDINGS, LLC**

**Recommendation:** That the City Council:
1. Authorize and approve the sale of the subject 1,720 acre industrial site, estimated to be 74,923.2 square feet, in the Airport Industrial Park to Russken Holdings, LLC, and authorize staff to begin escrow;
2. Authorize the Mayor to sign all documents and agreements necessary to complete the project; and
3. Authorize staff to record all documents with the County Recorder.

**Documentation:** Minute Order 06-031604  
**Disposition:** Approved

10. **EXTENSION OF CONTRACT FOR CITY AUDITOR**

**Recommendation:** That Council authorize a one year contract extension for J. Steven Pressley, CPA, at a rate of $28,870.

**Documentation:** Minute Order 07-031604  
**Disposition:** Approved

12. **SUPPORT OF AB 2479 WHICH WILL AMEND GOVERNMENT CODE 53155.**

**Recommendation:** That the City Council:
1. Approve the attached resolution in support of AB 2479;
2. Authorize a letter of support to be signed by the Mayor.

**Documentation:** Resolution 23-2004  
**Disposition:** Approved

13. **FIRE GRANT APPLICATION 2004**

**Recommendation:** That the City Council:
1. Authorize staff to submit the application for funding to FEMA,
2. Authorize staff to accept the grant award if awarded,
3. Authorize the Mayor to sign for the acceptance of the grant,
4. Authorize the disbursement of funds from the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund #EL-2997” for the 10% match.

Documentation: Minute Order 08-031604
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West that the Council approve Item No. 2 through 6, 9, 10, 12, and 13. The motion carried unanimously.


COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr, to approve the minutes of March 2 and 9, 2004 with correction to page 8, the second Council Action of the March 2, 2004 Minutes. The motion carried unanimously.

Disposition: Approved

7. AUTHORIZATION TO NEGOTIATE PROJECT MANAGEMENT SERVICES – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council authorize staff to:
1. Solicit proposals from qualified applicants; and
2. Negotiate an agreement to undertake the Project Management for the Neighborhood Community Center project.

Council Member Hamilton requested that the staff report be presented.

Community Development Director Brad Dunlap read the staff report.

Council Member Stadtherr asked why the concept of hiring a Project Manager was just being brought up now.

City Manager Longley stated that it has been considered by staff prior to this time, but that it had not involved Council until this time.

Council Member Hamilton stated that he agreed with Council Member Stadtherr that Council should have been made aware of the need for a Project Manager earlier, and wanted to know why they could not go to an R.F.P. on this.

The Community Development Director stated that it was an option.

Mayor Pro Tem Irish stated that it has been known since 1997 that an inspector and project manager would be needed for this project, and there was money allocated for it.
Council Member West asked if this project needed to be handled differently than the remodeling of City Hall and the police station.

The Community Development Director stated that school buildings are required to be under the State Architect’s authority, and have a higher level of scrutiny and standards than others, therefore, the entire property needs to hold to those standards.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton to approve the hiring of a part-time, temporary employee to do the Project Management Services. The motion carried unanimously.

Disposition: Approved

8. **AUTHORIZATION TO ENTER INTO SERVICE AGREEMENT FOR INSPECTOR SERVICES – NEIGHBORHOOD COMMUNITY CENTER.**

Recommendation: That City Council:
1. Approve the Service Agreement with Per-Spec Inspection for amount not to exceed $50,000 for building inspection services at the Neighborhood Community Center;
2. Authorize staff to negotiate a service agreement for masonry inspection services for an amount not to exceed $45,000; and
3. Authorize the Mayor to sign all documents.

Council Member Hamilton asked to hear the staff report, which the Community Development Director read.

Mayor Pro Tem Irish asked how many hours would be involved in the inspection process, to which the City Manager answered that it was estimated at about a maximum of 1,620 hours.

Mayor Pro Tem Irish asked if a candidate could be found who is certified in both areas required.

The Community Development Director stated that there were no candidates for the position that were certified in both areas, and that they would look into a more extensive list of candidates.

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

Disposition: Approved

11. **SUMMER AQUATICS PROGRAM**

Recommendation: That Council authorize staff to obtain permits and operate an aquatics program at Granite Hills High School for the early summer of 2004.
Council Member Hamilton stated that he was not willing to pay any of the schools for use of their pool facility.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council ember West to turn down the recommendation of staff.

M.O. 12-031604

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

Disposition: Approved

PUBLIC HEARING

14. CITY OF PORTERVILLE 2003-2008 HOUSING ELEMENT

Recommendation: That the City Council:
1. Adopt the resolution approving the Negative Declaration for General Plan Amendment 3-2004; and
2. Adopt the resolution approving General Plan Amendment 3-2004 to adopt the 2003-2008 Housing Element.

The Mayor opened the public hearing at 7:50 p.m., and closed the hearing to the public at 7:51 p.m.

Council Member Hamilton asked if staff could explain what it means to be “commensurate with financial capacity.”

The Community Development Director, the City Manager, and Veronica Tam, Cotton Bridges and Associates, explained in more detail the regional housing needs allocation. The City is not obligated to build the amount of housing units, but the City must have land capacity with the potential to accommodate the required amount of units.

The Mayor closed the public hearing at 8:00 p.m.

Mayor Pro Tem Irish asked to see information about Kings and Tulare Counties were doing the next time the Housing Element is addressed.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Council Member Stadtherr to adopt the resolution approving the Negative Declaration for General Plan Amendment 3-2004. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to Adopt the resolution approving General Plan Resolution 25-2004 Amendment 3-2004 to adopt the 2003-2008 Housing Element. The motion carried unanimously.

Disposition: Approved
SCHEDULED MATTERS

15. PROPOSED CHANGES TO CHAPTER 12 OF THE CITY OF PORTERVILLE MUNICIPAL CODE

Recommendation: That the City Council approve the draft modifications and additions to the ordinance and order it to print.

Council Member Hamilton asked if the containers that are sold for outdoor fires, that are capped, are permitted by the ordinance.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve the draft modifications and additions to the ordinance. The motion carried unanimously.

Disposition: Approved

The City Manager read the ordinance by title only.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to waive further reading of the ordinance and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, FIRE PREVENTION, ARTICLE I AND ARTICLE II, OF THE PORTERVILLE MUNICIPAL CODE. The motion carried unanimously.

Disposition: Approved

16. REPORT ON AD HOC COMMITTEE MEETING FOR NORTH MAIN TRAFFIC SAFETY ISSUES AND REQUESTED ACTION.

Recommendation: Approve the Ad Hoc Committee proposals as outlined; Authorize the installation of no parking signs on the Eastside of North Main, South of Reid as determined by the Public Works Director.

Council Member West stated that he would like Council to consider raising the speed limit on North Main.

Mayor Pro Tem Irish asked what kind of standard is being set when we do not require paving.

The City Manager explained that it would apply for temporary parking, usually event based parking.

Mayor Pro Tem Irish asked if “temporary” had been defined, and asked if a list could be provided of temporary parking lot currently in Porterville.

The City Manager stated that Council would be able to review the permits annually for reconsideration, and that a list could be provided to Council for review.
Mayor Pro Tem Irish asked if these items could be taken separately.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West to accept joint project with the Council for intersection safety. The motion carried unanimously.

Disposition: Approved

Council looked to the Police Department for an update on the speed analysis on North Main.

The City Attorney explained that the Engineer’s report was necessary in order for the speed limit to be enforced by radar.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to re-evaluate the speed of traffic on North Main. The motion carried unanimously.

Disposition: Approved

The Public Works Director explained the repairs needed to grade and restore the drainage on the East side of Main, and stated that it would take approximately six hours to complete.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to grade and restore drainage on the East side of Main. The motion carried unanimously.

Disposition: Approved

Council Member Hamilton asked staff had heard from the business owner regarding their temporary parking status.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West to install no parking signs on the East side of Main and signing to indicate the presence of drainage structures. The motion carried unanimously.

Disposition: Approved

Council Member West asked if temporary parking would be permitted once the owner has provided her own permanent parking.

The City Manager stated that the temporary parking could be reviewed by Council yearly if Council would like.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to authorize staff to accept and approve an event based parking area within the City limits on the West side of North Main. The motion carried unanimously.
17. VENDORS AND PEDDLERS

Recommendation: That the City Council instruct staff to move forward with a draft revision to Chapter 15 of the City Code to further clarify the types and nature of temporary and mobile businesses and to establish any additional restrictions as desired by Council that are provided for in state and federal law.

Council Member Hamilton asked if there were any time restrictions in our current regulations for door to door sales.

City Attorney Julia Lew recommended that the regulations needed to be categorized better to cover the different types of solicitations, and that she did have some suggestions for Council, but did not have her presentation ready at this time.

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

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
March 16, 2004

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1 AUTHORIZATION TO NEGOTIATE PROPERTY MANAGEMENT SERVICES – 287 N. HOCKETT STREET

Recommendation: That the Redevelopment Agency authorize staff to:
1. Solicit proposals from qualified property management professionals; and
2. Negotiate an agreement to undertake the property management and landscape maintenance services for the property located at 287 N. Hockett Street.

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

Disposition: Approved
Adjourn to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Donnette Silva-Carter, Chamber of Commerce, thanked Fire Dept. for all the work on the Fireworks Ordinance and Project
- The City Council also thanked the Fire Department for their hard work
- Dick Eckhoff, Chair of the Downtown Association, invited people to look at the planter in front of the Art Association Building; and spoke on Item No. 17.
- Dorothy Broome, 863 S. Crystal, spoke regarding a discussion of Worth and Plano on April 2, 2004

**OTHER MATTERS/COUNCIL COMMENTS**
- Council Member Hamilton invited Scouts Dakota Smith and Corey Barnes, Troop 137, Springville, working on their Citizenship Badges to advance to Eagle.
- Council Member West was asked by Council Hamilton to attend a Legislative Action meeting in Sacramento re: status of community colleges at the request of Bill Maze on March 30, 2004. Council concurred, with Council Member Stadtherr as alternate.
- Council Member Hamilton asked Council to send letters of congratulations to the spelling contest winners.

**ADJOURNMENT**
The Council adjourned at 8:47 p.m. to the Adjourned Meeting of March 30, 2004 at 6:00 p.m.

Georgia Hawley, Deputy City Clerk
By Luisa Herrera

SEAL

Pedro R. Martinez, Mayor