PORTERVILLE CITY COUNCIL MINUTES
REGULAR MEETING - APRIL 20, 2004
COUNCIL CHAMBERS - 6:00 P.M.

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

CLOSED SESSION:

A. CLOSED SESSION PURSUANT TO:
   1. GOVERNMENT CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - IN PROGRESS REVIEW - TITLE: CITY MANAGER
   2. GOVERNMENT CODE § 54956(C) - POTENTIAL LITIGATION

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY ACTION TAKEN IN CLOSED SESSION- No Action to report

Pledge of Allegiance Led by Mayor Pro Tem Ronald Irish
Invocation by Pastor John Eby, First Baptist Church

PROCLAMATIONS
   “Cinco de Mayo Week” - April 28 - May 5, 2004 - presented to Teresa de la Rosa
   “Senior Citizen Day” - May 19, 2004

PRESENTATIONS
   • City Manager’s Featured Projects for April, 2004
     - Mitigation Area Access via State Highway 190
     - Skateboard Park Modular Design Approval
     - Airport Patio Project
     - Neighborhood Community Center Construction Award

ORAL COMMUNICATIONS
   • Teresa de la Rosa, 450 W. Olive, thanked Council for the proclamation on behalf of Roberto De La Rosa, and invited Council and staff to the 75th Cinco de Mayo Fiesta.
   • Mayor Pro Tem Irish thanked staff for their success in getting the grant funds for the Skateboard Park reallocated for the modular facility.
   • Dick Eckhoff, Chairman Downtown Porterville Assoc., 180 N. Main, asked to speak during Item 28.
   • Mayor Pro Tem Irish asked to pull Item PRA-1
   • Jerry Lynch, 1490 N. Atkins Way, came up to speak regarding the Bike Show at the Porterville Museum.

CONSENT CALENDAR
   Items 1, 2, 5, 6, 8, 10, 14, 15, 16 and 19 were pulled.

COUNCIL ACTION:
   MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to add Item 20b, Request to Add Emergency Agenda Item–Request
Minute Order 01-042004  to Approve Emergency Agenda Item Extending Northern Limit of Iris Festival, to the agenda. The motion carried unanimously.

Disposition: Approved

3. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 245-390-010 – GARRY W. BEUTLER AND JAN M. BEUTLER – 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 Garry W. Beutler and Jan M. Beutler in the amount of $5,637.00 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 32-2004
Disposition: Approved

4. ACCEPTANCE OF FINAL SUBDIVISIONS MAP – GRANITE HEIGHTS, PHASE ONE SUBDIVISION (GARLAND GIFFORD)

Recommendation: That the City Council:
• Approve the final map of Granite Heights, Phase One Subdivision;
• Accept all offers of dedication shown on the final map; and
• Authorize the City Clerk to file said map with the County Recorder

Documentation: Minute Order 02-042004
Disposition: Approved

7. REPORT ABOUT STATUS OF SUCCESS RESERVOIR ENLARGEMENT PROJECT

Request: Receive the report – No specific action is requested

9. SURFACE WATER TREATMENT REVIEW – PERMITS AND REPORTS SURVEY

Recommendation: The City Council authorize staff to:
• Seek consultant proposals for the purpose of preparing a “Surface Water Treatment Permits & Reports” Survey; and
• Negotiate a Consultant Service Agreement with a “not to exceed” $10,000 limit with the Consultant who best demonstrates an understanding of the City’s needs.

Documentation: Minute Order 03-042004
Disposition: Approved
11. AD ZONE SITE REVIEW 1-2004

Recommendation: That the City Council adopt the draft resolution with findings and conditions approving the Ad Zone Site Review 1-2004

Documentation: Resolution 33-2004
Disposition: Approved

12. AUTHORIZE A MUNICIPAL CODE AMENDMENT PERTAINING TO THE SUBDIVISION REVIEW COMMITTEE AND MISCELLANEOUS TECHNICAL PROVISIONS

Recommendation: That City Council authorize staff to schedule and advertise for a public hearing for a general amendment to the Municipal Code pertaining to subdivision regulations, procedures and technical updates.

Documentation: Minute Order 04-042004
Disposition: Approved

13. CONSTRUCTION AGREEMENTS FOR PORTERVILLE MITIGATION AREA NO. 1 (VALLEY ELDERBERRY LONGHORN BEETLE PRESERVE)

Recommendation: That the City Council:
• Authorize the Mayor to sign the agreement with the California Conservation Corps to provide construction services for Porterville Mitigation Area No. 1 and authorize payment of $8,500 plus 10% for contingencies.
• Authorize the Mayor to sign an amended agreement with Impact Sciences to include Construction Management Services by Wildlands, Inc, and authorize payment of $19,235 plus 10% for contingencies.

Documentation: Minute Order 05-042004 and Minute Order 06-042004
Disposition: Approved

17. OHV GRANT PROGRAM

Recommendation: That the City Council adopt a resolution approving the grant application entitled Porterville O & M for Fiscal Year 2004-2005, and approve the 2004-2005 OHV Budget.

Documentation: Resolution 34-2004
Disposition: Approved

18. ANNUAL REPORT ON SENIOR COUNCIL UTILITY STIPEND

Recommendation: Receive and file this annual report.
20. RESTORATION OF MUNICIPAL FRANCHISE FEES

Recommendation: That the Council set a public hearing for May 18, 2004 to receive comment on the proposed increase in municipal franchise fees.

Documentation: Minute Order 07-042004

Disposition: Approved

20a. APPROVAL FOR COMMUNITY CIVIC EVENT ANNUAL PORTERVILLE FAIR – MAY 12 – 16, 2004

Recommendation: 1. That Council approve the Community Civic Event Application and Agreement from the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A”, and
2. That Council approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patrol parking and set up from May 8-17, 2004.

Documentation: Minute Order 08-042004

Disposition: Approved

20b. EXTENSION OF STREET CLOSURE PERMIT FOR IRIS FESTIVAL, APRIL 24, 2004

Recommendation: Add the extension of the street closure from Thurman to Olive and between Division and East Main alley for the Iris Festival on April 24, 2004 to agenda as an emergency item known since closing the last agenda and requiring action at this meeting; and then approve extension as specified.

Documentation: Minute Order 09-042004

Disposition: Approved Extension

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton, to approve Items 3, 4, 7, 9, 11, 12, 13, 17, 18, 20, 20a, and 20b. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 16, 2004

Council Member Stadtherr requested that the voting record for Item 11 be corrected to show he was the one to vote no.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve the minutes as amended. The motion carried unanimously.

M.O. 10-042004

Disposition: Approved
2. AWARD OF CONTRACT INDIANA STREET RECONSTRUCTION PROJECT –
PUTNAM AVENUE TO MORTON AVENUE

Recommendation: That the City Council:
1. Award the Indiana Street Reconstruction Project to Halopoff & Sons, Inc.,
choosing either Option 1 or Option 2 as stated below;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 6% or 10% contingency, depending on the option chosen, to
cover unforeseen construction costs.

Council Member West asked that the difference between Option 1 and Option 2 be clarified.

OPTION 1:
In order to complete the 2" overlay of Indiana Street from the Porter Slough crossing to Morton
Avenue and keep the project within budget the following financial structure is offered for
consideration.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bid</td>
<td>$381,627.76</td>
</tr>
<tr>
<td>6% Contingency</td>
<td>$23,372.24</td>
</tr>
<tr>
<td>*Staff Time</td>
<td>$12,000.00</td>
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<tr>
<td>Total</td>
<td>$417,000.00</td>
</tr>
</tbody>
</table>

* Includes construction management, inspection and material testing.

OPTION 2:
If the deductive alternate is exercised and the 2" overlay is removed from the project the following
financial structure is offered for consideration.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Bid</td>
<td>$381,627.76</td>
</tr>
<tr>
<td>Deductive Alternate</td>
<td>-$38,215.42</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>$343,412.34</td>
</tr>
<tr>
<td>10% Contingency</td>
<td>$34,341.23</td>
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<tr>
<td>Staff Time</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$392,753.57</td>
</tr>
</tbody>
</table>

Public Works Director, Baldo Rodriguez explained the two options in more detail.

Council Member Hamilton asked what the life difference of each option would be.

Council Member Stadtherr asked what the difference in price would be to put in the signal at
the time of the construction of the intersection as opposed to later; and if removing the $7,500 would
affect the bid.

City Attorney, Julia Lew, stated that it would not be possible to remove that aspect at this
time of the bid process, since it is included in the base bid.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member
Stadtherr to approve Option 1. The motion carried unanimously.

M.O. 11-042004

Disposition: Approved
5. **INCREASING FEES IN ACCORDANCE WITH THE MITIGATION FEE ACT**

Recommendation: That the City Council act to approve the proposed increases in fees shown in Exhibits “A” and “H”.

Mayor Pro Tem Irish asked if this item could be brought back in two weeks.

City Attorney, Julia Lew stated that it was going to be staff’s recommendation to bring back this item as well as Item No. 6 at the May 4, 2004 meeting.

6. **ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENGINEERING NEW RECORD 20-CITY CONSTRUCTION COST INDEX**

Recommendation: That City Council use this information to inform any citizens that may inquire about fee adjustments.

This item is to be brought back at the May 4, 2004 meeting.

8. **ACCEPTANCE OF THE JOINT POWERS AGREEMENT – WEST NORTH GRAND AVENUE, CITY – COUNTY JOINT MAINTENANCE**

Recommendation: That City Council:
1. Accept the Joint Powers Agreement prepared by the County of Tulare;
2. Authorize the Mayor to sign the Joint Powers Agreement;
3. Approve the funding source; and
4. Authorize payment to the County of Tulare upon completion of the work.

Mayor Pro Tem Irish asked if it necessary to enter a Joint Agreement with the County to get this project done.

City Manager John Longley stated that it was a process that was needed because the City was paying funds for its portion of the project.

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

M.O. 12-042004

Disposition: Approved

10. **STATUS REPORT ON CAR WASH ISSUES**

Recommendation: This interim report will be followed by additional information in May, 2004. City Council is requested to provide any necessary direction for Staff action prior to the final report.

Mayor Pro Tem Irish asked if the City has heard back from any of the car washes that were cited.
Community Development Director Brad Dunlap summarized the supplementary information handout.

Council Member Hamilton asked the City Attorney what legal options were available to the City.

The City Attorney stated the criminal prosecution, or abatement and conjunction were both Options, and suggested that the Council hold a study session to discuss this issue further.

Council Member Hamilton requested that a study session be scheduled with the City Attorney to discuss this issue.


Recommendation: That the Council approve:
1. The Community Civic Event Application and Agreement from the Comision Honorific Mexicana-Americana, Inc., subject to the restrictions contained in the Application, Agreement, and Exhibit “A”.
2. Authorize the Chief of Police, or his designee, to close Olive Avenue between A Street and Plano Street, if warranted to address public safety concerns; and
3. Authorize the Fixed Route bus service to suspend operations until 1:00 p.m. on Saturday, May 1, 2004.

Mayor Martinez stated that he would have to abstain from this item due to a conflict of interest.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Stadtherr to accept staff’s recommendation.

M.O. 13-042004
AYES: West, Hamilton, Stadtherr, Irish
NOES: None
ABSTAIN: Martinez
ABSENT: None

Disposition: Approved

15. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE MUSEUM BIKE SHOW, AUGUST 14, 2004

Recommendation: That Council approve the Community Civic Event Application and Agreement from Porterville Museum for a Bike Show on Saturday, August 14, 2004, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.
Mayor Martinez asked if any incidents were reported at this event last year, and stated that he would like the same conditions to apply this year as did last year; that two security guards be present at the event and that the beer garden be closed an hour prior to the closing of the bike show.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to accept staff’s recommendation with the additional conditions that two security guards be present and that the beer garden be closed an hour before the event ends. The motion carried unanimously.

M.O. 14-042004

Disposition: Approved

16. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE CELEBRATES READING, APRIL 24, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement from Porterville Unified School District, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A”.

Council Member Stadtherr asked if the street closure could be at the discretion of the Chief of Police.

Council Member Hamilton asked the Chief to comment.

Police Chief Silver Rodriguez stated that this has worked in the past.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to accept staff’s recommendation with the amendment that street closure be at the discretion of the Police Chief. The motion carried unanimously.

M.O. 15-042004

Disposition: Approved

19. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements; and if concurred to by Council, direct staff to prepare an amendment to the agreement to be executed by the City and the Chamber to incorporate the additional $2,000 in funding for Fiscal Year 2003-2004 to cover additional expenses for the 2005 All America City Conference.

Mayor Martinez thanked the Chamber of Commerce for all of their hard work, and asked if any representatives would like to speak.

Donnette Silva-Carter came forward to comment on the upcoming Irish Festival, and to thank Council for its support.
Mayor Pro Tem Irish asked if staff could look into an automatic C.P.I. for the 05/06 Chamber Budget.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Mayor Pro Tem Irish that the Council accept the Chamber of Commerce Activity Report and Financial Statements; and direct staff to prepare an amendment to the agreement to be executed by the City and the Chamber to incorporate the additional $2,000 in funding for Fiscal Year 2003-2004 to cover additional expenses for the 2005 All America City Conference. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARING

21. CONDITIONAL USE PERMIT 2-2004 – SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT FOR THE CONSTRUCTION OF AN EMERGENCY AND TRANSITIONAL HOUSING COMPLEX LOCATED AT THE SOUTHEAST CORNER OF INDIANA STREET AND SPRINGVILLE AVENUE

Recommendation: That the City Council:
1. Adopt the Draft Ordinance Resolution approving the Negative Declaration prepared for Conditional Use Permit 2-2004;
2. Adopt the Draft Resolution approving Conditional Use Permit 2-2004 to adopt a specific Plan within the Viejo Robles Planned Development to allow the construction of the proposed project on the 3± acre vacant parcel located on the southeast corner of Indiana Street and Springville Avenue, subject to conditions of approval.

The Mayor opened the hearing to the public at 7:49 p.m.

Dennis Townsend, Townsend Architectural Group, 633 N. Westwood, came forward to speak in favor of the project and in support of the organization. He also thanked staff for their cooperation, and asked about conditions #18, #27, #33, and #37; requesting that the language be changed to reflect that these conditions be commensurate with the phases.

At this time the Mayor requested a 5-minute break to allow staff to go over the questions brought up by Mr. Townsend.

Community Development Director Brad Dunlap stated that the understanding is that the required improvements will be made according to the phase of development being proposed, and with the expectation that the phase of development will correspond with the proposed property line when the applicant submits a tentative parcel map. In the meantime, if they do not move forward with the map their responsibility would be to develop across the full frontage of the property on Indiana and Springville Ave. However, it is their absolute expressed intention to process that parcel map, which will conform to the phase line, which makes the point move. Staff agrees in expectation that the development requirements kick in on the phase as long as the phase corresponds with property boundaries.
Margaret Land, 778 W. Belleview, President of the Board of Directors for the Central California Family Crisis Center, came forward to speak in support of the project.

The hearing was closed to the public at 8:05 p.m.

Council Member Hamilton asked why a brick wall is being required on a residential project.

Community Development Director Brad Dunlap stated that it was not a code requirement, but it was due to the nature of the use of the land as a transitional housing complex.

Dennis Townsend stated that the cost of the wall is a concern, and the applicant is willing to comply if necessary.

Council Member Hamilton asked if this was a 501 and was therefore HUD funded.

Lynette Villarreal, 770 N. Main Street, stated that HUD funding is being pursued, but is has not yet been secured, and also stated that HUD funding is not allowed to be used for landscaping or fencing.

Council Member Hamilton stated that the impact fee payment deferment program is available.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Iris to accept staff’s recommendation: adopt the Resolution approving the Negative Declaration prepared for Conditional Use Permit 2-2004; and, adopt the Resolution approving Conditional Use Permit 2-2004 to adopt a specific Plan within the Viejo Robles Planned Development to allow the construction of the proposed project on the 3± acre vacant parcel located on the southeast corner of Indiana Street and Springville Avenue, subject to conditions of approval, and with the removal of the condition for a block wall at this time; to be further negotiated if a wall is deemed necessary in the future. The motion carried unanimously.

Disposition: Approved

Mayor Martinez asked Council if they would mind allowing some youth to come forward to speak regarding the proposed Skateboard Park.

Chris McMacabalin, Retired Marine Corps Gunnery Sgt., spoke in favor of the skateboard park.

Council Member Hamilton took a moment to formally thank Mr. McMacabalin for the service he provided to the country.

Marcellino Torres, Adalberto Meraz, Noe Hernandez, Carlos Meraz, Michael McMacabalin read a letter in favor of the skateboard park.
Mayor Martinez thanked the young men for coming forward to address the Council, and thanked Mr. McMacabalin for being a mentor to the youth.

22. CONDITIONAL USE PERMIT 5-2004 – PROPOSED CONSTRUCTION OF A 42 UNIT COMPLEX TO BE LOCATED GENERALLY ON THE NORTHEAST CORNER OF WESTFIELD AVENUE AND STATE HIGHWAY

Recommendation: It is recommended that the City Council adopt the draft resolution approving the Conditional Use Permit 5-2004.

The hearing was opened to the public at 8:23 p.m.

Mark Hillman, 620 W. Olive, came forward to state that he was an agent of the project and that they had no problems with the conditions. He also thanked staff for their time and cooperation.

The hearing was closed to the public at 8:24 p.m.

Council Member Hamilton asked where the entrance to the complex would be, and if the width of the lanes were adequate for fire codes.

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

Disposition: Approved

23. MEADOW BREEZE PHASE ONE – TENTATIVE SUBDIVISION MAP (SMEE BUILDERS)

Recommendation: That the Subdivision Review Committee recommends that the Council:
1. Adopt the draft resolution approving the Negative Declaration for Meadow Breeze Phase One Tentative Subdivision Map; and
2. Adopt the draft resolution approving the Meadow Breeze Phase One Tentative Subdivision Map.

The hearing was opened to the public at 8:28 p.m.

Community Development Director Brad Dunlap stated that there was a typographical error in the resolution and pointed it out to Council.

Jim Winton, 150 W. Morton, came forward to speak on behalf of Smee Builders. He thanked staff for their assistance with the project.

The hearing was closed to the public at 8:30 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to accept staff’s recommendation to adopt the draft resolution approving the negative declaration, and to adopt the draft resolution approving the Meadow Breeze Phase One Tentative Subdivision Map.
Resolution 39-2004 The motion carried unanimously.

Disposition: Approved

24. AIRPORT FEE SCHEDULE

Recommendation: 1- That the City Council hold a public hearing on the proposed fees.
2- That the City Council adopt the attached resolution adopting the fees.

The hearing was opened at 8:32 p.m. and closed to the public at 8:32 p.m.

Council Member Hamilton asked for clarification on the “Call Out Fee”.

Chief Guyton stated that is a fee designed for cost recovery for the overtime pay required for staff to go out to the airport after hours to fuel a plane.

Council Member Stadtherr asked if there was a photo identification card system being used at this time.

Chief Guyton stated that the City received a grant for a computerized system to develop cards with photos, but that they are not at the place to implement them yet.

Mayor Pro Tem Irish asked how much it would cost to park a motorcycle; if it would be the same cost as parking a car.

Council Member Stadtherr asked if the honor system would apply for the temporary parking fee.

Mayor Pro Tem Irish asked that Council review the fee schedule in a year.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to adopt the proposed Airport Fee Schedule. The motion carried unanimously.

Resolution 40-2004

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

Disposition: Approved

SECONDING READING

25. ORDINANCE NO. 1651, AMENDING CHAPTER 17, MOTOR VEHICLES AND TRAFFIC, SECTION 17-15, ON THE CODE OF THE CITY OF PORTERVILLE

Recommendation: That Council give Second Reading to Ordinance No. 1651 and waiving further reading, and adopt said ordinance.
COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to waive further reading. The motion carried unanimously.

The City Manager read the ordinance by title only.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Irish to adopt Ordinance 1651, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE. The motion carried unanimously.

Disposition: Approved

26. ORDINANCE NO 1652, ADOPTING A NEW CHAPTER 4, AIRPORT, OF THE PORTERVILLE MUNICIPAL CODE

Recommendation: That Council give Second Reading to Ordinance No. 1652 and waiving further reading, and adopt said ordinance.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Irish to waive further reading and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A NEW CHAPTER 4, AIRPORT, OF THE PORTERVILLE MUNICIPAL CODE. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

27. ECONOMIC DEVELOPMENT ADMINISTRATION GRANT OPPORTUNITIES

Recommendation: That the City Council direct staff to include all projects on the Comprehensive Economic Development Strategy (CEDS) and direct staff to make a proposal in the upcoming budget cycle for a writer to prepare a preliminary feasibility study and an application for an EDA technical assistance grant, if warranted, for the Airport Industrial Park Business Incubator project.

Mayor Pro Tem Irish asked if it could be set-up so that a business can start up at a reduced lease rate for a predetermined time, then be given the option to stay, but at an increased lease rate.

Council Member Stadtherr asked where the remaining two million in contributions would come from after the EDA contributions.

City Manager Longley stated that it would depend on the project and gave some examples.

Council Member Hamilton stated that he would like to see an incubator program in the downtown area, and requested that staff look into it.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation and to direct staff to look into the possibility of an incubator program in the downtown area. The motion carried unanimously.

Disposition: Approved

28. BUSINESS IMPROVEMENT DISTRICT ASSESSMENT REVIEW

Recommendation: Based on a no response from 89% of the businesses and the request of no change by 3.8% of the businesses that were represented at the two meetings, staff recommends that no change be made to the current method of levying assessments in the 2004-2005 and subsequent fiscal years.

Dick Eckhoff, 180 N. Main, Downtown Porterville Association (D.P.A.), came forward to speak regarding the services and benefits provided by the D.P.A. and the Business Improvement District (B.I.D.); he also expressed his continued support for Option 4 and an incubator program downtown.

Chris Lewis, Porterville Physical Therapy, spoke in support of a flat fee.

Donnette Silva-Carter, Porterville Chamber of Commerce, came forward to state that she supports downtown and hopes that a compromise/solution can be reached.

Mayor Pro Tem Irish stated that he does want to see the value of the B.I.D. to continue, but also wants a change to occur.

Council Member Stadtherr stated that smaller businesses should not pay the same fee as larger businesses.

Council Member West stated that he also thinks that a change is necessary, Mayor Martinez agreed.

Council Member Hamilton stated that there is no solution that will satisfy everyone, and was very disappointed in the participation of the businesses in the meetings.

Dick Eckhoff came up to inform Council of the D.P.A.’s immediate efforts to revitalize downtown.

Council Member Hamilton asked how much the D.P.A. paid for the Christmas lights last year, and if the lights actually put money into the downtown merchant’s pockets.

Mayor Martinez stated that this was a hard decision for Council to make, but that a change was necessary in order to achieve the results for downtown that Council is hoping for. He also stated that he believed that Main Street was a place for the community to gather.

Mayor Pro Tem Irish stated $7,000 for lighting downtown benefits everyone in town, but yet downtown had to bear the entire burden on a limited budget. Motion: Propose Option 5 with the caveat of we, as the City Council, look at offsetting that $7,000 by half. Come up with the funds of
$3,500 to at least match with the lighting for downtown. That way we’re kind of offsetting some of their costs and making it a little fairer to them.

Council Member West asked why the City should spend $3,500 on lights for Main Street, and not Henderson Avenue or Olive Street.

The City Attorney then described the process from this point per the request of the City Manager.

The City Attorney stated that a resolution of intention will be brought to Council for adoption, after which a hearing will need to set, so it will take a few meetings to get through it.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to accept Option 5 with the caveat that the City off-set the cost of the Christmas lights by half ($3,500).

M.O. 18-042004

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

Disposition: Approved

Council took a 5-minute break at 9:30 p.m.

29. SWIMMING POOL SHADE STRUCTURE OPTIONS

Recommendation: Direct staff to:
1. Issue a change order to Webb & Son for the installation of the two swimming pool shade structures, and
2. Re-appropriate $30,354 of funds from the swimming pool operations budget to the swimming pool capital improvement budget.

This item was held over to the May 4, 2004 meeting. Council asked to see pictures of the proposed shade structure, and would like staff to bring back funding possibilities.

30. SKATEBOARD PARK STATUS AND GRANT FUNDING CONSIDERATION

Recommendation: That the City Council adopt the attached Resolution to:
1. State support for the skateboard park to be constructed at Veteran’s Park; and
2. Approve filing of an application for a Land and Water Conservation Fund Grant; and
3. Authorize the Parks and Leisure Services Director to execute all necessary documents on behalf of the City of Porterville.

Mayor Pro Tem Irish asked how the $1.5 million will be spent on this project, if the modular facility is supposed to be cheaper.
City Manager, John Longley, stated that staff will provide a detailed cost out to Council within the next couple of weeks.

Mayor Pro Tem Irish asked if the grant money would keep the City from moving the modular facility to a different location, to which Mr. Perrine stated that it would, at least at this time. Council may, however, be allowed to move the facility at a later time.

Council Member Hamilton asked for a copy of the application when it is completed.

COUNCIL ACTION:  
MOVED by Council Member West, SECONDED by Council Member Stadtherr to accept staff’s recommendation.

Resolution 41-2004

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

Disposition:  Approved

31.  TRAFFIC SAFETY – NO PARKING SIGNS

Recommendation:  That the City Council authorize the City Engineer to install “No Parking” signs on each side of the Plano Street Bridge, where warranted, in accordance with Article X of the Traffic Ordinance.

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

M.O. 19-042004

Disposition:  Approved

32.  REPORT ON STATUS OF SHOPPING CART COLLECTION IN COMMUNITY

Recommendation:  It is the staff’s perception that there has been progress with the shopping cart pick-up program. The retailers have volunteered to cooperate with the pick-up, and an optional program is being formulated by the Sheltered Workshop. Staff recommends that the program outlines above be approved and that a further report be made to the Council at the first meeting in July, 2004.

No action needed.

Council Member Hamilton stated that this is another incident of Council being too lenient.

33.  CONSIDERATION OF THE FORMATION OF A NONPROFIT CORPORATION

Recommendation:  That City Council:
1. Consider and give direction concerning the parameters of the powers of the non profit corporation as discussed above; and
2. Provide direction as to how it wishes the City to proceed.
City Attorney Julia Lew stated that the pure acceptance of charitable contributions part of it, if that’s what the city wants to do it for, then it makes sense to make it a complete arm of the City. Depending on what Council wants the purposes to be, that dictates the involvement the City wants in that enterprise.

Mayor Pro Tem Irish asked how the Council would assure people that the money that they are going to give us will be used for what they want.

The City Attorney stated that they could provide it in writing.

Council Member Stadtherr stated that they could make it a condition of the gift.

Disposition: No action taken. Item died for lack of a motion.

34. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to accept staff’s recommendation. The motion carried unanimously. M.O. 20-042004

Disposition: Approved

35. INTERIM FINANCIAL STATUS REPORT

Recommendation: Accept the interim financial status reports as presented.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation. The motion carried unanimously. M.O. 21-042004

Disposition: Approved

36. PRESENTATION OF GRANT STATUS SUMMARY

Recommendation: Receive the report – No specific action is requested.

37. COMPLIANCE PROCEDURE FOR SB 564 and SB 866 and RESOLUTION OF AFFIRMATION OF INVESTMENT POLICY

Recommendation: That City Council adopt a resolution accepting the Statement of Investment Policy in accordance with SB 564 and SB 866.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to accept staff’s recommendation. The motion carried unanimously.
ORAL COMMUNICATIONS
None

OTHER MATTERS/COUNCIL MATTERS
• Mayor Pro Tem Irish asked Council to review the March 1, 2000 proposed JPA Agreement with the County to consider entering into such an agreement to get things done on the east side. He requested this for the next agenda.
• Council Member Hamilton stated that he wanted the feasibility of reopening Murry Park for vehicular traffic on the next agenda.
• Mayor Martinez thanked Mayor Pro Tem Irish for covering for him, with his busy schedule.

ADJOURNMENT
The Council adjourned at 10:40 p.m. to the meeting of May 4, 2004.