CLOSED SESSION:

A. CLOSED SESSION PURSUANT TO:
1) GOVERNMENT CODE SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: ONE CASE.
2) GOVERNMENT CODE SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 248-043-009 - WILLIFORD DRIVE. AGENCY NEGOTIATOR: BALDOMERO RODRIGUEZ. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND GREG SHELTON. UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT.
4) GOVERNMENT CODE SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. NAME OF CASE: CITY OF PORTERVILLE VS. ALBERT L. HEARNE ET AL., CASE NO. 04-208680, TULARE COUNTY.
5) GOVERNMENT CODE SECTION 54956.9 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. NAME OF CASE: CITY OF PORTERVILLE V. SCHELLHASE, CASE NO. 03-207816, TULARE COUNTY.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation: Mayor Pete Martinez

PROCLAMATION
- “All-America Decade Celebration Day” - May 21, 2004 & “All-America City Conference Day”- May 22, 2004

PRESENTATIONS
- Employee Service Awards (Fred Beltran - 20 years)
- Janet Hettinger BSN PHN
- City Manager’s Featured Projects for May, 2004

ORAL COMMUNICATIONS
- Mayor Martinez spoke on the importance of the citizens standing up and addressing issues with the Council, and more importantly on some issues, with Legislators and people in control of decisions which effect all of us at the local level – such as prayer and local budgets. He thanked the Recorder for looking at these matters and bringing them to local attention.
- Richard Hartman, 1731 W. Lloyd, Associate Pastor for the First Assembly of God, stated that Council and their hard work is much appreciated. He also offered a prayer/blessing to the Council.
• Dorothy Broom, 863 Crystal St., asked for explanation of Item No. 4.

• Jim McElfish, Porterville, stated that this nation was founded on Christianity and Jesus Christ, and that the ACLU is a communist outfit.

• Mary West, Porterville, stated that she was concerned with Christians being told not to read the bible and praise Jesus Christ, and that she is not ashamed for loving Jesus and worshiping Jesus.

• Citizen of Lindsay, expressed her concern regarding Council not being allowed to say the name of Jesus in prayer. She stated that atheists have no beliefs and are afraid of Christians. She also stated that Council is denouncing Jesus by bowing down to Satan, and is not standing up for Jesus Christ.

• Kathy Capone, 806 W. Westfield, came up to say that to be a government, to be a public forum the Council must be open to all of the citizens of Porterville, not all of which are Christians. She stated that everyone has the right to believe what they believe, but that religious business should not be done here at the meetings.

• Ethel Quiram, 1028 N. Highland Dr., presented two handouts to Council. She informed Council that every state in the United States acknowledges God in their Preambles.

• Lloyd Winter, 1075 W. Roby, came forward on behalf of the Rolling Relics Car Club to thank the City Council, Staff, and everyone involved for their help and participation with the car show.

• Mayor Martinez thanked everyone for coming.

• Sue Lofton, Lindsay, came forward to state that she thinks that Council is doing a wonderful job, and that if someone is ashamed of Jesus, Jesus will be ashamed of them.

• Cathy Poundstone, P.O. Box 1858, Porterville, came forward on behalf of the Porterville Women=s Club to state their support for the name of“Heritage Community Center.”

• Greg Shelton, 888 North Williford Drive, came forward to thanks Council in advance for Williford and is glad to see it going to bid.

• Norma Thetheny, 22357 Ave. 154, re: keeping the name of Jesus in prayer.

• Glenda Thomas, P.O. Box 1343, Porterville, came forward to state that taking a silent stand for God is not a stand at all, and that prayer can change things.

• Donnette Silva-Carter, 93 N. Main St., came forward to thank Council for approving the street closure and the extension of the street closure, and thanked the community for their support.

• Council Member, Kelly West, stated that he does believe in Jesus Christ.

CONSENT CALENDAR
1. CITY COUNCIL MINUTES OF FEBRUARY 23 AND APRIL 20, 2004

Documentation: Minute Order 01-051804
Disposition: Approved

2. AUTHORIZATION TO ADVERTISE FOR BIDS - WILLIFORD DRIVE RECONSTRUCTION AND DRAINAGE PROJECT

Recommendation: That City Council:
1. Approve the Plans and Project Manual;
2. Authorize the appropriation of $150,000 from Local Transportation Funds;
3. Authorize the re-appropriation of $25,000 from Developer Fees; and
4. Authorize staff to advertise for bids on the project, contingent upon successful property negotiations with an adjacent property owner.

Documentation: Minute Order 02-051804
Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS - WATER WELL NO. 28

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

Documentation: Minute Order 03-051804
Disposition: Approved

5. ACCEPTANCE OF THE MEMORY LANE PROJECT

Recommendation: That City Council:
1. Accept the Memory Lane Widening 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.

Documentation: Minute Order 04-051804
Disposition: Approved

6. SIGNING OF MORTON HILL AVENUE

Recommendation: Informational Item Only

Documentation: Minute Order 05-051804
Disposition: Approved
7. AUTHORIZATION TO ENTER INTO SERVICE AGREEMENT FOR MASONRY INSPECTOR SERVICES - NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council:
4. Approve the Service Agreement with Technicon Engineering Services, Inc. for amount not to exceed $14,780.00, and authorize a 10% contingency for unforeseen inspection services; and
5. Authorize the Mayor to sign all documents.

Documentation: Minute Order 06-051804
Disposition: Approved

8. IMPACT SCIENCE CONTRACT AMENDMENTS FOR ENDANGERED SPECIES ACT COMPLIANCE

Recommendation: Authorize the Mayor to sign an amended agreement with Impact Sciences to include Construction Management services by Wildlands, Inc., Financial Calculation assistance by Wildlands, Inc., and additional costs associated with the reclassification of the project from a Low Impact HCP to an HCP, in the total amount of $42,435.00 plus 10% for contingencies.

Documentation: Minute Order 07-051804
Disposition: Approved

9. ACQUISITION OF RIGHT-OF-WAY PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ORANGE AVENUE AND WALLACE STREET (APN No. 261-150-045 - Hearne)

Recommendation: That City Council:
1. Authorize staff to make payment to, Mr. Albert L. Hearne and Mrs. Bertha M. Hearne, owners of the property, in the amount of $199.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

Documentation: Resolution 58-04
Disposition: Approved

10. DISPOSITION OF GLASS WINDOWS AT 296 NORTH MAIN STREET

Recommendation: That the City Council:
2. Authorize the disposition of a portion of the glass transom windows in the City owned property at 296 N. Main Street and transfer the glass to the St. James Place project at 250-256 North Main Street; and
3. Authorize the storage of the remaining glass for use in future historic renovation projects.

Documentation: Minute Order 08-051804
Disposition: Approved
COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to approve items 1, 2, 3, and 5 through 10. The motion carried unanimously.

Disposition: Approved

4. AWARD CONTRACT - EMERGENCY GENERATORS

Recommendation: That the Council award the contract for emergency generators to Morris Levin & Sons of Porterville, CA, in the amount of $122,936.81. Further, that Council authorize payment upon satisfactory delivery of the equipment.

Baldo Rodriguez, Public Works Director, presented the report.

Dorothy Broome, 863 Crystal, came forward to ask what the generators would be used for.

Council Member Hamilton explained that these generators were portable and would provide the power to operate the pumps during an electrical emergency.

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

M.O. 09-051804

Disposition: Approved

PUBLIC HEARING

11. RESTORATION OF MUNICIPAL FRANCHISE FEES

Recommendation: That (1) the Council accept public comment on the subject of the restoration of the municipal franchise fees as calculated in the 1998 MSI study. (2) Authorize staff to begin collecting the fully restored fees effective June 1, 2004. (3) Authorize staff to circulate an RFP to hire a consulting firm to update the City Fee Schedule, to be paid for from savings in General Fund contributions to street maintenance.

Deputy City Clerk, Darrel Pyle, presented the staff report.

Mayor Martinez opened the public hearing at 8:09 p.m.

Cathy Capone, 806 W. Westfield, came forward to support staff’s recommendation.

The hearing was closed to the public at 8:10 p.m.

Mayor Pro Tem Irish stated that more than likely, when looking at franchise fees and comparing them to 1988 we are not going to have a fee reduction, which will effect every citizen in Porterville.
Council Member West stated that when someone cuts the streets to replace a sewer or water line the person has to bare the costs of replacing the asphalt and does not see how the city would have to pay for it.

Public Works Director, Baldo Rodriguez, stated that the city has to repair trenches that may fail or not hold up over time.

Council Member West stated that the fee for cutting streets is not enough to cover the costs to the city for repairs.

Mayor Pro Tem Irish stated that he would feel more comfortable if the city developed some type of a line item budget to track the fees, and make sure that they are going to exactly what they are supposed to be going to and not spilling into the general fund.

Darrel Pyle proposed that as the 2004-2005 fiscal budget is implemented, that parameters are developed to track those dollars.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council approve staff’s recommendation with the addition of the line item budget suggested by Mayor Pro Tem Irish.

M.O. 10-051804

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that Council authorize staff to circulate a Request For Proposal to hire a consulting firm as recommended by staff. The motion carried unanimously.

M.O. 11-051804

Disposition: Approved

12. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 26

Recommendation: That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 26.

Parks and Leisure Services Director, Mr. Perrine, presented the staff report.

Mayor Martinez opened the public hearing at 8:22 p.m.

Cathy Capone, 806 W. Westfield, came forward to express her concern with the lighting being energy efficient and light being directed downward.
Mr. Perrine stated that the lighting being utilized is the standard lighting that has been adopted by the City and Southern California Edison.

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

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

Disposition: Approved

13. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 27

Recommendation: That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 27.

Parks and Leisure Services Director, Mr. Perrine, presented the staff report.

The hearing was opened to the public at 8:25 p.m.

Cathy Capone, 806 W. Westfield, came forward to ask Council to consider looking into more energy efficient lighting and dark skies lighting designs.

The hearing was closed to the public at 8:27 p.m.

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

Disposition: Approved

14. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 28

Recommendation: That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 28.

Parks and Leisure Services Director, Mr. Perrine, presented the staff report.

The hearing was opened to the public at 8:28 p.m. and closed at 8:29 p.m.

Mayor Pro Tem Irish asked what type of yearly increase this is tied to.

Mr. Perrine stated that it was at the Consumer Price Index Rate.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council approve staff’s recommendation. The motion carried unanimously.

Resolution 61-2004

Disposition: Approved

15. ENVIRONMENTAL REVIEW FOR THE FORMATION OF CENTENNIAL PLAZA PARK AND RELATED ACTIONS FOR THAT SITE LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN CLEVELAND AND THURMAN AVENUES

Recommendation: That the City Council:
1. Adopt the attached resolution approving a Negative Declaration for the formation of the Centennial Plaza Park and related actions.

Community Development Director, Brad Dunlap, presented the staff report.

The hearing was opened to the public at 8:34 p.m.

Dick Eckhoff, 180 N. Main, came forward to thank staff and council, and state that he is very eager to see the park project expedited.

Cathy Capone, 806 W. Westfield, came forward to express her support for the Centennial Plaza Park project.

The hearing was closed to the public at 8:35 p.m.

Council Member Hamilton asked how many parking spots could be provided without the building.

Brad Dunlap stated that the area would provide twenty-two parking spaces.

Council Member Stadtherr asked if bicycle parking would be provided.

Mr. Perrine stated that bicycle parking could be provided.

Brad Dunlap stated that staff’s is preparing a grant application for bike lockers in a few different locations, one of which would be City Hall.

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

Resolution 62-2004

Disposition: Approved

Council recessed for five minutes at 8:40 p.m.

SCHEDULED MATTERS
16. NAMING OF THE NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That the Council determine an appropriate name for the new building and provide direction on any program to be implemented for promotion of principled community service lifestyles or role models.

Parks and Leisure Services Director, Mr. Perrine, presented the staff report.

COUNCIL ACTION: 
MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that the Council name the building the Porterville Heritage M.O. 12-051804 Center with the “Character Counts” theme within the building. The motion carried unanimously.

Disposition: Approved

17. REVIEW OF PARKS AND LEISURE SERVICES DEPARTMENT WORK PLAN

Recommendation: Review the Parks & Leisure Services Department Work Plan.

Council Member Hamilton asked if the city lost the funding for Rails to Trails.

Mr. Perrine stated that they still had time for funding and they anticipate, with engineering resources being allocated to this project, that they will be able to move the project along next year and get it constructed.

City Manger, John Longley added that the related item project, which is also a grant project for the crossings has a relatively short time frame on it, and is something that may be brought back to the next meeting with additional information.

Council Member Hamilton asked for clarification on the reallocation of funds for the Tule River Parkway Phase III.

Mr. Perrine responded by saying that they thought they had successfully achieved the reallocation of funding, after further analysis it was discovered that they were not permitted to make such a reallocation. The City has reapplied for the right of way acquisition funding, and expect to hear in August from the California Transportation Commission. The right of way acquisition funding will allow the city to acquire the right of way and to do the design work, the application for construction funding would then follow.

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

M.O. 13-051804

Disposition: Approved

18. GOLF COURSE ENTERPRISE OPERATION AND OPTIONS

Recommendation: That the Council consider the options presented and provide staff with direction for further development or research on a preferred option.
Parks and Leisure Services Director, Mr. Perrine, presented the staff report.

Josh Kitrell, 1359 Grand Ave., came forward to state that he would hate to see the city lose the golf course, because golf is a wonderful sport.

Jerry Quinn, Porterville, stated that she is from a golfing family and that the golf course is a landmark in Porterville. She would hate to see it go and stated that there are many different options for use of the golf course.

Pete McCraken, 657 W. Village Green, was told that the golf course was a gift to the city with the condition that it be used for a golf course.

Cathy Capone, 806 W. Westfield, came up to state that as a parent she values the sport of golf and what it has given to her son.

Dale Bartlett, 927 W. Kanai, stated that most golf courses are run by a municipality and do experience a loss; the City needs to draw in outside players; the City needs an 18-hole course.

Council Member Hamilton, suggested that an independent landscaper be used to decrease the costs of maintenance.

Mayor Pro Tem Irish requested that the prices be re-evaluated to increase customers, and asked what the market is; ages, boundaries, etc. He also stated that when a business is slow you do not raise prices or you will lose customers.

Dale Bartlett responded to the question by saying that the market area was Porterville, the age group being 8-80 years of age.

Mr. Perrine went into more detail on the breakdown of people who use the golf course.

Mayor Pro Tem Irish stated he has some real concerns about the golf course and stated that either way its fate will effect the citizens of Porterville.

City Manager, John Longley identified the possible options or perspectives available.

Mayor Pro Tem Irish asked for a breakdown of maintenance costs and asked again that prices be adjusted to possible increase the market and bring back some customers.

Council Member West asked if there were any restrictions on selling the land.

City Attorney, Julia Lew stated that she is currently looking into possible deed restrictions.

Mayor Pro Tem Irish stated that he hoped that Council followed through with the intent of the family at the time.

City Manager Longley re-stated Council’s direction.

Josh Kitrell, 1359 Grand Ave., stated that there was not enough promotion of golf; re: optimum use of the golf course; re: enterprise from general fund.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to look at every measure of short run savings (look at privatization and potential cost savings); better break down of expenses, not ‘other’; look at fee structure on monthly tickets (9-hole fee Monday through Thursday) to generate funds; keep in mind intent of original property owners) (contact Men’s Golf Association (Mr. Kittrell) for input on this). The motion carried unanimously.

Disposition: Approved

19. IMPLEMENTATION PLAN FOR OPENING MURY PARK ROADWAY

Recommendation: Direct staff to implement the plan to prepare the Murry Park loop roadway for opening to one-way traffic by May 28, 2004, with parking to be permitted only in the paved area immediately east of the pond, and the hours of gate opening and parking to be set the same as restroom hours.

Parks and Leisure Services Director, Mr. Perrine, presented the staff report.

Council Member Hamilton asked if the high school still had vocational welding classes and if they could get involved in the gate project. He suggested just repairing the gate that is inoperable, since the park is being opened on a trial basis and may be closed again.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that Council approve recommendation; contact Vocational Welding Class to work on repairing gate that is inoperative; review in three months the status of the opening; and look for ways to reimburse Zalud and Veterans Parks. The motion carried unanimously.

Disposition: Approved

20. SKATEBOARD ORDINANCE

Recommendation: That City Council provide input and direction relative to the revision of the current ordinance.

This item was continued and will be brought back in a few months after further analysis.

21. REPORT OF THE ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENGINEERING NEWS RECORD 20-CITY CONSTRUCTION COST INDEX


Adjourn to a Meeting of the Porterville Redevelopment Agency at 9:49 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
May 18, 2004

Roll Call: Redevelopment Agency: West, Hamilton, Stadtherr, Irish, Martinez
WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1 BUILDING FAÇADE RENOVATION GRANT PROGRAM VARIANCE REQUEST FOR 118 N. MAIN STREET

Recommendation: That the Redevelopment Agency deny the request for a Variance to the Downtown Porterville Architectural Design Guidelines and direct staff to enforce the Façade Easement Agreement executed on May 2, 1995.

This item was moved to the June 1, 2004 meeting.

PRA-2 REDEVELOPMENT STRATEGIC PLAN STATUS REPORT

Recommendation: Informational item only.

Adjourn to a Meeting of the Porterville City Council at 9:53 p.m.

ORAL COMMUNICATIONS
• Felippe Martinez, 195 W. Putnam, re: Getting someone to come in with a proposal to promote City facilities, such as the golf course, Zalud House, etc. Council thanked him for volunteering to chair a committee.

OTHER MATTERS
• Mayor Pro Tem Irish thanked Mr. Longley and Council for their guidance.
• Mayor Martinez thanked Council for their assistance. He welcomed any suggestions on speeding up the Council meetings.

ADJOURNMENT
The Council adjourned at 9:57 p.m. to the meeting of May 25, 2004 at 4:00 p.m.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

SEAL

Pedro R. Martinez, Mayor