Call to Order: 6:00 p.m.
Roll Call: Councilman West, Councilman Hamilton, Councilman Stadtherr, Mayor Martinez
Absent: Mayor Pro Tem Irish

CLOSED SESSION:
A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SEC. 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY ATTORNEY.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Kelly West
Invocation by Pastor Steve Belke, Strathmore First Baptist Church

PROCLAMATIONS
“Porterville’s High School Bands Appreciation Day” – June 1, 2004

PRESENTATIONS
• Employee of the Month for June – Howard Mizuki
• Leadership Porterville – Mary Hodges, 187 W. Olive Avenue, Support and Employment Job Developer for Porterville Sheltered Workshop, and member of the 2004 Leadership Porterville Class. She invited Council to purchase fireworks at the Porterville Sheltered Workshop. The class introduced themselves: Nathan Delk, City of Porterville; Donna Schendel, Porterville Recorder; Kerry Reynolds, Sierra View District Hospital ER Nurse; Megan Hanson, Megan’s Manicures and More; Stephanie Gibson, Eagle Mountain Casino; Bethany Ambrosini, Finance and Thrift; Judy Sarber, Nurse Practitioner Porterville Developmental Center.
• Council Member Hamilton thanked Rick McIntire, Global Drug Testing, for sponsoring the project to restore the “P” on “P” Hill.
• Mayor Martinez recognized Council Member Hamilton’s pastor, Mark Pitcher, for attending.

ORAL COMMUNICATIONS
• Ben Harvey, President of the Porterville Area Pilot’s Association, invited the Council to the commemorative wall dedication on Saturday, June 12 at 1:30 p.m. at Porterville Airport.
• Rick McIntire, 31846 Country Club Drive, presented gifts to Council which he received from seven different Mayors on his trip to Fukushima, Japan. He also acknowledged the Leadership Porterville Class and all the volunteers who participated in efforts to restore the “P”.
• Peter Schalember, 1591 N. Salisbury, Pastor of the First Assembly of God, thanked the Council and staff, and stated that he, and his congregation, were there to stand with the City on every occasion possible. He than said a prayer for Council and the City.
• Jim McElfish, 49 Carmelita, spoke regarding Wal-Mart selling fireworks in competition with the organizations selling fireworks to raise money.
• Phil Aiken, 940 W. Westfield, Pastor of the Porterville Church of God, spoke regarding the Council’s decision to not pray in the name of Jesus because of a court action. He stated that it had never been wrong to pray in the name of Jesus anywhere in the USA. He stated that Godly conviction was needed amongst the Council members, and an understanding of the Constitution. Why is it OK to discriminate against Christians to appease someone else? Why is it OK to discriminate against Jesus? He asked the
Council to put their heels in the ground, make a decision to honor the Lord Jesus Christ, and by doing so the City would be blessed in everything they set their hands to do.

- Nathan Delk, 330 Lindale Drive, stated that the packages fireworks at Wal-Mart and Target, were packages and were not the same as the fireworks sold in the fireworks stands, such as theirs at the Wal-Mart parking lot.
- Dan Rhodes, P. O. Box 688, spoke on the Constitution and allowing religion and prayer, and the abridgement of freedom of speech.
- Evelyn Rogers, 16 W. Oak, stated that she wished to speak in protest to the multiplication of fees for the Downtown Porterville Association. Mayor Martinez asked Ms. Rogers to speak during that item on the agenda.
- Pete McCracken stated that he appreciated the fiscal responsibility of the Council in evading and avoiding any potential lawsuits which might cost the City a lot of money, and in a very simple manner they have the generic invocation and everybody in the City has every opportunity during oral communications to bring up any other invocation. He stated that he didn’t agree with the court decision, but he agreed with the Council decision to protect the taxpayers’ pocketbook from somebody else’s court case.
- Steve Belke, 77 N. Balmoral, stated that when he prayed it was not to a generic God, and it was through Jesus without using the name. He stated that it was not to a generic God by any means.
- Mayor Martinez stated that the Council had not taken any action saying that the name of Jesus was prohibited; it was something they dealt with in terms of the law, and were still dealing with.

**CONSENT CALENDAR**

Items 3, 7, and 10 were removed.

1. CITY COUNCIL MINUTES OF MAY 4 AND 11, 2004

Documentation: Minute Order 01-060104
Disposition: Approved

2. DISPLAY CASES FOR SISTER CITY ITEMS

Recommendation: That the Council authorize staff to negotiate a contract with a local cabinet maker to custom build two display cases in the North lobby of City Hall for Sister City gifts, and to provide to the Council drawings of the proposed cabinets for design approval prior to the start of construction.

Documentation: Minute Order 02-060104
Disposition: Approved

3. ITEM WAS REMOVED FROM THE AGENDA

4. AWARD OF CONTRACT – BORE UNDER WASTEWATER TREATMENT FACILITY OFFICE BUILDING

Recommendation: That City Council:
1. Award the Bore Under the Wastewater Treatment Facility Office Building Project to Pacific Boring in the amount of $8,100.00;
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 03-060104
Disposition: Approved
5. CORRECTIVE GRANT DEEDS

Recommendation: That City Council accept the Corrective Grant Deeds and authorize the City Clerk to record said documents with the County Recorder’s Office.

Documentation: Resolution 63-2004
Resolution 64-2004

Disposition: Approved

6. NOMINATION OF GATEWAY ENTRANCE SIGNS, BICYCLE STORAGE FACILITIES, AND MURALS FOR TRANSPORTATION ENHANCEMENT ACTIVITIES FUNDING

Recommendation: That City Council:
1. Approved a resolution for the use of Transportation Enhancement Activities funds for the installation of gateway entrance signs, and authorize the Public Works Director to act as the Administering Agency Representative; and
2. Approve a resolution for the use of Transportation Enhancement Activities funds for the installation of bicycle lockers at several City owned locations and authorize the Public Works Director to act as the Administering Agency Representative; and
3. Approve a resolution for the use of Transportation Enhancement Activities funds for the painting of three murals along arterials in the downtown area and authorize the Public Works Director to act as the Administering Agency Representative.


Disposition: Approved


Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

Documentation: Minute Order 04-060104

Disposition: Approved

9. CONTINUE JUVENILE ACCOUNTABILITY BLOCK GRANT (JABG) AGREEMENT WITH TULARE COUNTY

Recommendation: That City Council:
1. Waive the direct sub-grant award from the Police Department, transferring $5,466 to the Tulare County Probation Department; and,
2. Authorize the Mayor to sign the amended agreements with the Tulare County Probation Department.

Documentation: Minute Order 05-060104

Disposition: Approved
11. RESTORATION OF MUNICIPAL FRANCHISE FEES

Recommendation: That the Council adopt the attached draft resolution authorizing the restoration of the Municipal Franchise Fees to the amount calculated in 1988, and authorize the Mayor to sign the resolution.

Documentation: Resolution 68-2004
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to approve items 1, 2, 4, 5, 6, 8, 9, and 11.

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

Disposition: Approved

7. SUMMARY OF SEWER RATE AND TREATMENT PLANT FEE INCREASE FOR FY 04/05

Recommendation: None

Public Works Director Baldo Rodriguez presented the staff report.

Council Member Hamilton asked why there is a need for a rate increase if the debt relief was lower, since the loan amount received was less than originally expected.

Mr. Rodriguez responded to this question by stating that the City is experiencing a deficit.

Council Member Hamilton asked if the reserve was 1.5 million, and what the reserve amount would be if the rate increase was postponed until next year after this year’s budget.

City Manager Longley stated that the spreadsheet that was prepared to be responsive to what this years cash flow is, shows that the City will lose $500,000 this fiscal year. He stated that he estimates the reserve at the end of the fiscal year will be about a million dollars, and clarified that staff at this time would like to go ahead with the plan that was previously approved by Council.

Council Member Hamilton asked if this was adjustment would be for new residential and commercial construction, to which the City Manager responded that it would.

Disposition: No action required.

10. TRANSIT CENTER LEASES

Recommendation: That the City Council:
1. Approve the draft Leases with Sierra Management and Orange Belt Stages; and
2. Authorize the Mayor to execute the Leases which will go into effect July 1, 2004

Mayor Martinez asked how staff came up with the numbers recommended.
City Manager Longley stated that these terms were negotiated by Mr. Irish and the operators, and that is the basis of the action with some adjustments for maintenance and landscaping.

Council Member Hamilton asked why there was no connection to the Consumer Price Index.

Deputy City Manager, Darrel Pyle stated that he did not have any information to explain how the lease agreement came to be without the Consumer Price Index, but that it is something that could be reviewed and included in future rental agreements.

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

M.O. 06-060104

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

Disposition: Approved

PUBLIC HEARINGS

12. MODIFICATIONS TO THE METHOD OF LEVYING ASSESSMENTS FOR THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE FOR THE FISCAL YEAR 2004-05

Recommendation: (1) At this time, it would be appropriate to take public comment on the proposed changes in methodology, and receive any protest votes regarding the proposed change. (2) Direct Staff to notice the second Public Hearing for July 6, 2004

The Deputy City Manager presented the staff report.

Mayor Martinez opened the hearing to the public at 7:51 p.m.

Ellen Rogers, 16 W. Oak Avenue, Ellen’s Dress Making, came forward to state that she is not in favor of a modification to the assessment.

Belva Jean Mullican, 375 N. Main, Busy Bee Boutique, came forward to state that she protests the modification to the assessment.

Mel Booth, 36 W. Mill, owner of Junk N Tique, came forward to state that he was opposed to the increase and does not know what the Business Improvement District (B.I.D.) does.

Council Member Hamilton asked Mr. Booth if he knew how many people were present at the meeting regarding the assessments.

Mr. Booth stated that there were about thirty people present at the meeting, and that the majority of the business owners were in favor of the dissolution of the B.I.D.

Megan Hanson, 36 E. Cleveland, Renewal Salon, stated her opposition to the assessment as she does not feel that the B.I.D. benefits her business.
Gayle Semple, Aunt Qs, stated that her fees are being raised three times; she is not in favor of the increase; she is sick of being bullied; she does not know where the money for the B.I.D. goes. She also stated that the Utility Users Tax that was previously implemented was supposed to be used to fund the Christmas lights, etc. and she would like to know where that money is going.

Renee Sprague, 75 N. D St., Sprague’s Outdoor Power Center, Treasurer of the B.I.D. board, came forward to invite everyone to the monthly board meetings; she stated that it is important to keep downtown well, but that an increase in the form of a flat fee would affect many negatively.

Council Member West stated that the B.I.D. should be voluntary and that if the board was advertising as well as they say they are then the business owners present would want to be involved with the B.I.D.

Gayle Semple, came forward to state that if the merchants have to pay the assessments then every business should have to pay, including banks and other financial institutions.

Scott Scheer, 73 N. Main St., Scheer’s Clothing, also Vice Chair of the Downtown Porterville Association, came forward to speak in opposition of the flat fee Assessment. He stated that he was in favor of the 150/50 option recommended by the Downtown Porterville Association. He stated that the flat rate being proposed would lower his assessment fee, but is still in favor of the 150/50 option, which would increase his fee because he believes in the B.I.D.

Shawn Swartzenberger, 97 N. Main, Variety Graphics, stated that he does not understand what the B.I.D. is for; that the B.I.D. does not benefit his business; he is fine with the current fee structure and opposed to the flat fee.

Dick Eckhoff, 30 E. Oak, President of the Downtown Porterville Association and Owner of Sierra Trophies, came forward to state that he benefits from events and activities downtown by people seeing his business; he is not in favor of a flat rate and still supports the 150/50 option. He also stated that all the B.I.D. business owners were notified at least three times regarding the meetings, and expressed his support for the B.I.D.

Deputy City Manager Darrel Pyle clarified for Council and attendants that there were 23 businesses that participated in the two meeting that were held.

Russell Fletcher, 165 N. Main, Fletcher’s Mall, stated that he loves this town; downtown is being ripped apart; is not in favor of a rate increase and stated that maybe he should move to a town where there are smarter people who can solve problems.

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

Mayor Martinez asked if the business owners present knew of the different options presented to Council.

Council took at 10-minute break at 8:25 p.m.

Council Member Hamilton stated that he was disappointed in the turnout at the two meetings and requested that the business owners review the options and get back to the Council with a solution.

Council Member West made a motion to suspend the B.I.D. for a year until the businesses can get a plan put together.
Council Member Stadtherr stated that he did not support a flat fee and compared business improvement districts to condominiums with fees. He seconded Council Member West’s motion but withdrew due to a misunderstanding of the motion.

City Attorney Julia Lew suggested re-opening the public hearing and continuing it at another meeting to count protests.

Mayor Martinez stated that he wants businesses to get involved with the B.I.D.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Council Member Hamilton to re-open the public hearing and continue it to the next meeting.

M.O. 07-060104

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

Disposition: The motion fails and the assessment procedure remained unchanged.

13. RENAMING A PORTION OF WESTFIELD AVENUE TO JUBILEE LANE

Recommendation: That the City Council adopt the draft resolution containing findings in support of naming Jubilee Lane.

Mayor Martinez opened the public hearing at 8:55 p.m.

Phil Aiken, 940 W. Westfield, Pastor at Church of God, spoke in favor of the street name change because the street looks like an on ramp to the freeway and causes semi-trucks to turn around in their parking lot, which causes damage to the parking lot.

The hearing was closed to the public at 8:57 p.m.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to accept staff’s recommendation to adopt the draft resolution containing findings in support of naming Jubilee Lane.

Resolution 69-2004

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

Disposition: Approved

14. ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Recommendation: That the City Council:
1. Conduct a public hearing for consideration of the Analysis of Impediments for Fair Housing Choice; and
2. Adopt the draft resolution adopting the Analysis of Impediments for Fair Housing Choice.
Denise Marchant presented the staff report.

The public hearing was opened at 9:00 p.m. and closed to the public at 9:01 p.m.

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

Resolution 70-2004

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

Disposition: Approved

SCHEDULED MATTERS

15. WATER CONSERVATION PHASE II – WATER SYSTEM STATUS

Recommendation: That City Council:
1. Continue with Phase II of the Water Conservation Plan; and

Council Member Stadtherr stated that Lemoore has a tiered rate structure and asked if anyone had found out if they were happy with

Richard Bartlett, came forward to state that the rate structure used in Lemoore is different, which makes it hard to compare, and it is too early to tell if it is effective.

Mayor Martinez asked for an update on the implementation of Phase II of the Water Conservation Plan.

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

M.O. 08-060104

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

Disposition: Approved

16. CONSIDER CONTINUATION OF STUDENT APPOINTMENTS TO THE PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That City Council consider continuation of student appointments to the Park & Leisure Services Commission or exploration of a possible youth group congress.

Council Member Hamilton asked what the City was trying to accomplish with this program.

Parks and Leisure Services Director Jim Perrine stated that the program gives the City’s youth every opportunity to participate in the planning of activities.
City Manager, John Longley, stated that the concept of the program is to reach out and encourage participation.

Mayor Martinez stated that he has had youth ask him how they can participate in the program; and stated that this program allows young people who are doing the right things to participate. Recommended decreasing the congress from four members to two.

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

M.O. 09-060104

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

Disposition: Approved

17. SUMMARY REPORT ON APPROACHES TO INCREASE BIKE PATH DEVELOPMENT IN CITY

Recommendation: That City Council:
1. Direct staff to continue reviewing the bicycle grant funding sources.
2. Consider shifting bicycle facility funding priorities from Class I Bike Paths to Class II Bike Lanes and/or Class III Bike Routes during the General Plan Update process.

Council Member Stadtherr asked for clarification of Class I bike paths, questioned the location of the Class I bike paths and their use. Then he encouraged staff to start thinking away from arterial streets for bike lanes and to consider residential streets, which have less traffic and are wider.

Public Works Director, Baldo Rodriguez stated that wider streets would allow joint use and a safer path.

Mayor Martinez asked if bicyclists are supposed to travel on the side of the road or on the roads with traffic. He also inquired about the status of grants and the application process, and asked if more bikes on the roads would cause safety hazards.

Baldo Rodriguez stated that the applications have been submitted and the City should find out shortly how they will pan out, and that bike riders are to ride in the road with traffic and not on sidewalks or against traffic. He continued by stating that it would be hard to state whether an increase in bike riders would cause safety hazards due to the fact that the City does not have a large population of bicycle riders.

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

M.O. 10-060104

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

Disposition: Approved
18. FUNDING OPTIONS FOR EASTSIDE/HILLSIDE WATER DEVELOPMENT PLAN

Recommendation: That City Council direct staff to:
1. Seek cost proposals from the firm of John Fitzgerald & Associates for the purpose of securing approximately $9,000,000 in Certificate of Participation funds to finance the Eastside/Hillside Development Plan; and
2. Secure the services of an engineering/accounting firm to perform a water rate study to determine appropriate water related fees needed to pay back the CITY OF PORTERVILLE loan.

Council Member Hamilton asked if the City would use the same consultant that recommended the CIEDB loan.

Baldo Rodriguez assured him that it was not the same consultant.

Council Member Hamilton asked what the approximate debt relief would be.

Deputy City Manager Darrel Pyle stated that the interest would be at the high end, approximately one half a million dollars.

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

M.O. 11-060104

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

Disposition: Approved

Council adjourned to a Meeting of the Porterville Redevelopment Agency at 9:44 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
June 1, 2004

Roll Call: Redevelopment Agency: Agency Member West, Agency Member Hamilton, Agency Member Stadtherr, Agency Chair Martinez
Absent: Agency Vice Chair Irish

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS
Dick Eckhoff, Downtown Porterville Association, 180 N. Main, came forward to speak regarding Item PRA-2.

PUBLIC HEARING

PRA-1. REDEVELOPMENT FIVE YEAR IMPLEMENTATION 2005-2009

Recommendation: That the Redevelopment Agency:
1. Conduct a public hearing for consideration of the Redevelopment Implementation Plan for 2005-2009; and

The hearing was opened at 9:47 p.m. and closed at 9:48 p.m.

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

PRA 2004-02

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

Disposition: Approved

SCHEDULED MATTER

PRA-2. BUILDING FACADE 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 Facade Easement Agreement executed on May 2, 1995.

Gina Blasingame, 118 N. Main St. requested approval of the variance request or for the Council to provide other color options.

Dick Eckhoff, Downtown Porterville Association, 180 N. Main, came forward to speak regarding PRA-2. He stated that he does not condone the violation of the facade agreement, but does back the variance request; is in favor of reconsideration of color palette; and believes there is no money in the program.

Felippe Martinez, 195 W. Putnam, stated that a reconsideration of the color palette may help revive downtown.

Mayor Martinez suggested getting the fourteen businesses under the contract together with the Downtown Porterville Association to consider a new color palette.

Council Member Hamilton asked that a time line of events regarding this matter be read.

Council Member Stadtherr stated that the current breech on contract needs to be dealt with prior to consideration of a new color palette.

Mayor Martinez stated that there is a process to change and that process needs to take place. He also asked Mrs. Blasingame why she painted the building before asking the Council for permission.

Gina Blasingame stated that she had not read the complete informational packet.

Mayor Martinez stated that there are two issues: compliance and change.

Council Member Hamilton stated that he likes the color, but that the contract needs to be enforced.
City Attorney, Julia Lew, stated that if a variance is granted in this case there will be an enforcement problem.

**AGENCY ACTION:** MOVED by Agency Member Stadtherr, SECONDED by Agency Member West to accept staff’s recommendation that the Redevelopment Agency deny the request for a Variance to the Downtown Porterville Architectural Design Guidelines and direct staff to enforce the Facade Easement Agreement executed on May 2, 1995.

M.O. PRA 01-060104

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

Disposition: Approved

The Agency adjourned to a Meeting of the Porterville City Council at 10:15 p.m.

**ORAL COMMUNICATION**
- Dick Eckhoff asked how the list on Item 16 was evolved, why some schools were included and others were left out.

**OTHER MATTERS**
- Council Member Stadtherr spoke on Item #6, Recommendation #3. He suggested repainting the advertisements on the back of some of the buildings on Main Street just north of Putnam; some that are already in place, historically accurate and 2-color.
- Council Member West asked what happened with Quad Knopf and their refiguring of the price on that street.
- Council Member Hamilton stated that he had been asked by a USD Board Member to look into the possibility of putting Little League fields at Santa Fe and putting the Babe Ruth Fields at Granite Hills. He asked to discuss to see if it was feasible, possibly put on the joint meeting with the Schools.
- Mayor Martinez asked for an agenda item looking into putting signs around town directing people to the downtown area–off highways, for visiting families. Come up with some options.
- Mayor Martinez re: lowering City Hall flag to half staff for Sgt. Michael Mitchell on June 11 (if lit) June 13 if not, raised back up on June 14.
- Council Member Stadtherr stated his safety concerns about burning flags on Flag Day.

**ADJOURNMENT**
At 10:30 p.m. to the meeting of June 15, 2004.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

SEAL

Pedro R. Martinez, Mayor