Call to Order: 6:01 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1. Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
The City Attorney stated that there was no action to report.

Pledge of Allegiance Led by Council Member Kelly West
Invocation - Moment of Silence

PROCLAMATIONS
“Iris Festival Day” - April 23, 2005
• Deborah Sierra, Festival Chairman, and Susie Hamlin, Chamber Board Chair, came forward on behalf of the Chamber of Commerce and received the proclamation.

“Arbor Day” - April 29, 2005
• Jim Perrine, Parks and Leisure Services Director, came forward and received the proclamation.

PRESENTATION
City Manager’s Featured Projects for April, 2005
• Reconstruction of Orange Avenue
   Public Works Director Baldo Rodriguez presented a slide show.

• Reconstruction of Indiana Street

Mayor Martinez spoke regarding the anniversary of the Oklahoma City tragedy that happened ten years ago. He stated that we saw the worst and the best of humanity. The Mayor spoke on the courage shown by the Oklahoma police and fire officers. The Mayor then had the audience join him in a round of applause for those officers, and for the police and fire officers of Porterville.

ORAL COMMUNICATIONS

• Shirley Hickman, 341 S. Chestnut, stated that she was there because of the Public Library. Mrs. Hickman stated that the budget was tight and had brought about the reduction of library hours and its closure on Friday and Saturday. She stated that members of the AAUW supported a funding increase for the Porterville Library so the Library could be open on Friday and Saturday, and spoke regarding the importance of the Library. Mrs. Hickman stated the AAUW’s support of a sales tax increase for police, fire and which included the Library.

• Carla Barde, 384 N. Hockett, stated that she was a First Grade teacher at Belleview School, a Member of AAUW, with a Library Degree from USC. She spoke regarding her support of the Library, and asked for longer hours and that the Library be reopened on Friday and Saturday to counter the ill effects of television by having the Library open. Mrs. Barde stated that having a fully functional Library was something that attracted educated people to move to Porterville.

• John Fitzpatrick, 441 N. Sunnyside, came forward regarding Item 21 and spoke again residential in that area and asked that his property not be included.

• Ellen Nichols, 456 N. Hawaii, corner of Hawaii and School Streets, spoke about three sewer back-up incidents at her home, and that she didn’t favor adding residential density to that area without huge improvements to the infrastructure.

• Dick Eckhoff, Sierra Trophies, 196 N. Main, Chairman Downtown Porterville Association (DPA), 180 N. Main, spoke on 1) support for Library; 2) Item 28 - DPA wants another representative; 3) Item 12 (or community civic events in general) DPA would like notification before anything large is planned on Main Street so they can make comments and get information out to members; 4) use of loud speakers at the fairgrounds—he would like teeth put into control on that; 5) questioned whether the Cinco de Mayo parade would have vendors at that event, and if they would have porta-potties. He also introduced their new Executive Assistant, Debra Kellerhals, who would be working 20 hours a week.

• Eleanor Forrester, 606 W. Mulberry, also spoke supporting the Library and its media center, and requested that the Library be reopened on Friday and Saturday.

• Greg Shelton, 888 N. Williford Drive, stated that he agreed with the concerns expressed regarding the Library. On Item 28 Mr. Shelton asked to be a member at large, and he spoke regarding his concerns with Item 24.


- Terry Ringe, 567 Kevin Lane, spoke as an advocate for education. She stated that she has helped start Family Housing for Education, has helped Sierra View District Hospital start a 501C3, the Porterville Area Wellness Services, and helped the Art Association get their 501C3 so they could promote murals for the area. She stated her support of the AAUW and its desire to have more funding for the Library. Mrs. Ringe stated that there was a connection between crime, poverty, arson and those things that required them to have larger funding for police and fire departments. She stated that education was the only way to lessen poverty and crime, and anything they could do to increase funding for the Public Library—if it was a tax increase, anything they could do, she would support that and she would go around, along with other AAUW members, to get signatures on petitions for the Library.

- Cathy Capone, 806 W. Westfield, spoke regarding five issues. 1) The Second Tree Planting Day at Trailhead Park had been completed on April 16 with the planting of 70 15-gallon trees by nine individuals, and will do follow-up maintenance on April 22. 2) Mrs. Capone spoke in support of expanding Library hours and days, the need for computer resources. 3) Mrs. Capone spoke on the Valley Oak tree on Castle Street. She stated that the Tule River Parkway Association has been conducting a Valley Oak census since 1996 and they have the locations of such trees from Grand Avenue to Scranton Avenue, and from Success Dam to Westwood Street, and there were 40 large trees in the area. She stated that the Valley Oak tree on Castle was an extremely large and healthy tree, and needed to be preserved. The Council needed to receive the information they needed to make informed decisions. 4) Mrs. Capone spoke on Item 7 and how the project was sited— it was done very intelligently. 5) May 14 is scheduled for River Clean-up Day for anyone interested in working on that with her on that. Mrs. Capone stated that Walmart Distribution would have volunteers out for that also.

- Lois Innis, 1138 W. Glenn Court, spoke in favor of Saturday Library hours for students who were involved in sports, preserving the Castle Street Valley Oak, and spoke in favor of the skate park which would serve many young people.

Council took a break from 7:56 p.m. to 8:06 p.m.

**CONSENT CALENDAR**

Items 4, 6, 7, 11, 12 and 15 were removed.

1. **CITY COUNCIL MINUTES OF MARCH 29, 2005**

   Recommendation: That the Council approve the City Council Minutes of March 29, 2005

   Documentation: M.O. 01-041905

   Disposition: Approved.

2. **CLAIM - MICHAEL C. SCHMIDT**

   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: M.O. 02-041905
3. CLAIM - DORA TORRES

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: M.O. 03-021505
Disposition: Approved.

5. ACCEPTANCE OF THE INDIANA STREET RECONSTRUCTION PROJECT - PUTNAM AVENUE TO MORTON AVENUE

Recommendation: That the City Council:
1. Accept the Indiana Street Reconstruction Project, Putnam Avenue to Morton Avenue, 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: M.O. 04-021505
Disposition: Approved.

8. ACQUISITION OF RIGHT OF WAY - PROPERTY LOCATED AT APN 261-080-012 – OWNER ROY A. MACOMBER – DATE AVENUE STREET PROJECT

Recommendation: That the City Council:
1. Approve the Purchase Agreement;
2. Authorize staff to begin escrow, with the City paying escrow fees;
3. Authorize staff to make payment to Roy A. Macomber, owners of property in the amount of $56,000.00, after completion of escrow;
4. Authorize the Mayor to sign all necessary documents; and
5. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 46-2005
Disposition: Approved.

9. INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY - INDIANA STREET RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Set a Public Hearing for May 17, 2005, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.
10. INTENT TO SET A PUBLIC HEARING FOR SEWER AND SOLID WASTE COLLECTION AND DISPOSAL SERVICE FEES

Recommendation: That the City Council:
1. Set a Public Hearing for June 7, 2005, to adopt new residential and commercial Sewer rates;
2. Set a Public Hearing for June 21, 2005 for adoption of a new solid waste service fee; and
3. Authorize staff to notify all affected property owners of the Public Hearing.

13. APPROVAL FOR COMMUNITY CIVIC EVENT - ROLLIN’ RELICS CAR CLUB - ROLLIN’ RELICS CAR SHOW - MAY 7, 2005

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit “A.”

14. APPROVAL FOR COMMUNITY CIVIC EVENT - NATIONAL FARM WORKERS SERVICE CENTER, DIA DE LAS MADRES, MAY 8, 2005

Recommendation: 1. That the Council approve the Community Civic Event Application and Agreement from the National Farm Workers Service Center, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A,” without closing Olive Avenue; and
2. That Council approve the use of the parking lot on the south side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing.

16. APPROVAL FOR COMMUNITY CIVIC EVENT - ANNUAL PORTERVILLE FAIR - MAY 18-22, 2005

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 the bare ground south of that parking lot for fair patron parking and set up from May 18 - 22, 2005.

Documentation: M.O. 09-041905
Disposition: Approved.

17. RESOLUTION APPROVING THE FILING OF APPLICATION FOR THE SUMMER FOOD SERVICE PROGRAM

Recommendation: That the City Council adopt the Resolution approving the filing of an application for the Summer Food Service Program, and appoint the Director of Parks and Leisure Services as agent of the City for this purpose.

Documentation: Resolution 47-2005
Disposition: Approved.

18. FIRE ACT GRANT APPLICATION 2005

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: M.O. 10-041905
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council approve Items 1, 2, 3, 5, 8, 9, 10, 13, 14 and 16 through 18. The motion carried unanimously.

12. APPROVAL FOR COMMUNITY CIVIC EVENT - COMISION HONORIFICA MEXICANA-AMERICANA, INC. CINCO DE MAYO FESTIVITIES, APRIL 29, 2004 - MAY 1, 2004

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the City of Porterville Parks & Leisure Services Department, subject to the stated requirements contained in Exhibit “A.”

Mayor Martinez abstained from this item.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council approve the Community Civic Event Application and Agreement submitted by the City of Porterville Parks & Leisure Services Department, subject to the stated requirements contained in Exhibit “A,” and as amended by the Police Chief as to the number of security guards required at the beer garden during certain hours—which is two security guards from 1:00 p.m. to 5:00 p.m. and four security guards from 5:00 p.m. to 10:00 p.m. (closing time).

M.O. 11-041905

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

Disposition: Approved.

4. SCADA EQUIPMENT UPGRADES

Recommendation: That Council authorize Staff to begin negotiations with Tesco Controls, Inc., to upgrade the Wastewater Treatment Facility’s SCADA System Equipment. Further, that Council authorize payment upon satisfactory completion of the project.

Mayor Pro Tem Irish stated that he would like answers, such as: Were they purchasing software and hardware? Did any mechanical equipment need to be replaced? How long had they been experiencing the 40% failure, and how was it determined? How would the upgrade change the staff call out procedure—how was it being done now?

Public Works Director Baldo Rodriguez stated that he did not have those answers now, but he would get the information for the Council.

Council directed that the matter be carried over until the next meeting in order to get the additional information.


Council considered the next two items together:

6. ACCEPTANCE OF IMPROVEMENTS - MEADOWOODS, PHASE 3 SUBDIVISION (NICHOLSON & SMEE LLC - GARY SMEE)

Recommendation: That City Council:

1. Accept the public improvements of Meadowoods, Phase 3 Subdivision for maintenance; and
2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

7. ACCEPTANCE OF IMPROVEMENTS - RIVER SPRINGS, PHASE THREE SUBDIVISION (G.W. HOMES, INC. - GREG WOODARD)

Recommendation: That City Council:
1. Accept the public improvements of River Springs, Phase Three subdivision for maintenance; and
2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Mayor Pro Tem Irish stated that he hoped they would continue to look at landscape maintenance and pocket parks for new subdivisions—the key being pocket parks.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Kelly that Council approve Items 6 and 7 as recommended. The motion M.O. 12-041905 carried unanimously.

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT, PORTERVILLE CELEBRATES READING, APRIL 23, 2005

Recommendation: 1. That the Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A,” without closing Olive Avenue; and
2. That Council approve the use of the parking lot on the south side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that the Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A,” with the opportunity to close Olive Avenue at the direction of the Police Chief; and, that Council approve the use of the parking lot on the south side of Olive Avenue and the bare ground south of that parking lot for this event with sponsor-controlled pedestrian crossing. The motion carried unanimously.

Disposition: Approved with amendment.
15. APPROVAL FOR COMMUNITY CIVIC EVENT - MADERA AIR RACES-MODEL AIRPLANE ACROBATIC CONTEST- MAY 13 THROUGH 15, 2005

Recommendation: That the Council deny the Application for this Community Civic Event based on safety concerns expressed by several departments and request staff to notify the applicant of the denial.

Council Member Hamilton stated that a denial recommendation should not be on the Consent Calendar.

Council discussed their concerns of allowing one group and not another and not telling the group sooner about the proposed denial. Council questioned whether staff would assist the group in finding another location for their event.

Frank Guyton, Fire Chief, stated that they had told the applicant that they would be recommending denial when they submitted the application. He stated that the airport would get too little for the liability incurred.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council deny the Application for this Community Civic Event based on safety concerns expressed by several departments and request staff to notify the applicant of the denial. The motion carried unanimously.

Disposition: Approved denial of the request.

PUBLIC HEARINGS

19. CONSTRUCTION OF CONCRETE IMPROVEMENTS ON HENDERSON AVENUE STREET PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions;
2. Authorize staff to start the construction of the stated concrete improvements for the stated project; and
3. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

The City Manager presented the item, and Baldo Rodriguez, Public Works Director, gave the staff report.

Mayor Martinez reopened the public hearing at 8:24 p.m. and closed the hearing at 8:25 p.m. when no one came forward to speak.

Council Member Hamilton stated that he would prefer that any time a property was sold, the City would get the unpaid fees.
The City Attorney stated this was a development fee and it was tied to development, and there were practical considerations with doing it that way. She stated that it could be done, but it would have to be put in the ordinance that it would be collected at that time. She stated that she could review the matter.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council authorize staff to start the construction of the stated concrete improvements for the stated project; and, authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project. The motion carried unanimously.

Disposition: Approved.

20. REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - GRANITE HILLS STREETS RECONSTRUCTION, PHASE 2 AND MILO STREET RECONSTRUCTION PROJECTS

Recommendation: That the City Council:
1. Open the public Hearing, take public comments, concerns and questions;
2. Approve the resolutions Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and
3. Authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

The City Manager presented the item, and Baldo Rodriguez, Public Works Director, gave the staff report.

Mayor Martinez opened the public hearing at 8:28 p.m.

Greg Shelton, 888 N. Williford Drive, came forward and stated that the County had a way to condition building permits for long term, and he thought the City could also do that.

The City Attorney stated that it sounds like a development agreement reimbursement, which is already done by the City for all oversize improvements. She stated that the City had the same mechanism as the County, but they did not use it the same way. Ms. Lew stated that she would look at the County development agreement and how much theirs was doing that the City’s agreement was not.

Mike Tyler, 1005 East Putnam, stated that when improvements were done on Crestview, he thought part of his agreement was that curb, gutter and driveways was also included, and he was surprised to get a $3,000 bill. He stated that he never got a notice, or his neighbors, just the notice for tonight including a list of what everyone owed without a how or why it was assessed. He stated that he wanted to make sure his original agreement with the City would be upheld and he would not be liable for the $3,000 plus.
Public Works Director Baldo Rodriguez stated that the City would stand by any written agreement made. He stated that Mr. Tyler could see him about this matter tomorrow.

Mayor Martinez questioned staff about the notification process.

The City Engineer stated that staff sent out certified letters to each property owner a week and a half ago, with all the details. Public Works Director Baldo Rodriguez stated that the original letters were not sent out as the work was already done. Staff stated that the fee would not be implemented until the property owner made improvements of $15,000 or more within a two year period.

The Mayor closed the hearing at 8:35 p.m. when no one else came forward to speak.

Mayor Pro Tem Irish thanked Ben Webb for making the process easier.

Council Member Hamilton questioned whether the City could collect the fee from Granite Hills High School.

Public Works Director Baldo Rodriguez stated that the school mostly obtained its permits from the State. The City Attorney stated that they could research how to collect from PUSD. Staff clarified that the fee was the actual cost per foot for the concrete improvements.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council adopt the Resolutions implementing the Resolution 48-2005 Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and, authorize staff to record a general notice of Resolution 49-2005 “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder. The motion carried unanimously.

Disposition: Approved.

21. GENERAL PLAN AMENDMENT 1-2005 (NUMBER CHANGED TO 1-2005 (A)) AND ZONE CHANGE 1-2005 (CAMARENA)

Recommendation: That the Council:

1. Open the public hearing on General Plan Amendment 1-2005 (a), hold the public hearing and take public testimony on the matter and continue it until May 3, 2005, to consider the proposal in conjunction with General Plan Amendment No. 2-2005 (Number to be changed to 1-2005(b)).
2. Adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 1-2005 (a).

The City Manager presented the item and Brad Dunlap, Community Development Director, gave the staff report.

Mayor Martinez opened the public hearing at 8:38 p.m. and continued the hearing to May 3, 2005.
22. INCREASING FEES IN ACCORDANCE WITH THE MITIGATION FEE ACT AND ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

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

The City Manager stated that this item would be continued to May 3, 2005, and would be a Consent Calendar Item. The City Attorney stated that she would reword the item a little.

Disposition: Continued.

SECOND READING
23. ORDINANCE 1666, TAXICAB/VEHICLE FOR HIRE

Recommendation: That the Council give Second Reading to Ordinance 1666, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council waive further reading of Ordinance 1666. The motion carried unanimously.

City Manager John Longley read the ordinance by title.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council adopt said Ordinance, being AN ORDINANCE OF Ordinance 1666 THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE, CHAPTER 23, TAXICABS AND OTHER VEHICLES FOR HIRE. The motion carried unanimously.

Disposition: Approved.

The Council took a short recess at 8:42 p.m.

SCHEDULED MATTERS

24. "D" OVERLAY SITE REVIEW 1-2005

RECOMMENDATION: That the City Council:

1. Put in CEQA action recommendation resolution for “D” Overlay Site Review 1-2005;
2. Adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 1-2005 subject to conditions of approval.

Mayor Pro Tem Irish and Council Member Stadtherr stated that they would be abstaining from this item and recused themselves and left the Council Chambers.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap stated that they recommended amending the resolution of approval to contain a condition to read: “The developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit legal descriptions necessary to request the vacation or Cleveland Avenue right of way. The following information is required at the time of submittal.

i. Three copies of a map and legal description.
ii. Processing fee in the amount of $240.00.
iii. Adequate title information (deed, etc.) to verify true rights of ways interests, if necessary in the opinion of the City Engineer.

The vacation shall be approved prior to the issuance of a building permit”. Mr. Dunlap stated that this condition should be added to the end of the environmental document. He further stated that the project had been designed around the elderberry bushes on the property.

Council Member West asked about traffic onto Morton off of Pearson, and stated that a traffic impact study had been done, and Villa and Putnam would be signalized.

Kelly Morgan, 465 West Putnam, gave a short presentation on the need for the out patient dialysis center.

Ron Wheaton, 465 West Putnam, also spoke in favor of the Sierra View District Hospital project.

Ron Wyatt, 645 West Putnam, spoke in favor of the project.

Dr. Melody Dumlao, 104 Vista Court, Exeter, Urologist, spoke regarding the need for this dialysis center in Porterville instead to having to refer her patients to Kaweah Delta Hospital.

Greg Shelton, 888 West Williford Drive, stated that he was not adverse to the dialysis center, but they needed to address parking in the beginning.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council adopt the CEQA action recommendation resolution for “D” Overlay Site Review 1-2005; and adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 1-2005, with amendment, subject to conditions of approval.

AYES: West, Hamilton, Martinez
Mayor Martinez asked that Item 30 be moved up on the agenda.

30. CONSIDERATION OF REQUEST FOR LETTER OF SUPPORT FOR CONGRESSIONAL APPROPRIATIONS REQUEST

Recommendation: Authorize the Mayor to sign letters of support (in the form provided) for a Congressional Appropriation. The letter should be sent to Senator Feinstein and Congressman Nunes.

City Manager Longley presented the item and staff report and read the draft letter of support.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council authorize the Mayor to sign letters of support (in the form provided) for a Congressional Appropriation, with the letter to be sent to Senator Feinstein and Congressman Nunes. The motion carried unanimously.

Disposition: Approved.

Mayor Martinez thanked Mr. Garfield and the contributions he has made to the community.

25. WATER CONSERVATION PLAN

RECOMMENDATION: That City Council:
1. Approve the City moving into Phase II on May 1, 2005;
2. Set a Public Hearing for June 7, 2005 to move into Phase III for the months of June through August if severe water supply shortage is projected for the summer; and
3. If severe water supply shortage is not projected for the summer, City staff will only have a Water Conservation Report at the June 7, 2005 Public Hearing.

City Manager Longley presented the item and Public Works Director Baldo Rodriguez presented the staff report.

Council questioned whether staff had gotten any feedback on the use of artificial turf on medians. Staff stated that they looked into the practice and there seems to be problems with installation, vandalism, cost of purchasing and installing, and the cost of removing old landscaping. Council clarified that the reason artificial turf worked well at the pool was because it was a flat, cement area that was well secured. The Mayor stated that they would be looking at alternatives as they build new medians.
Council discussed the need for year-round water conservation and the cost of new water wells. Council Member Hamilton stated that Phases 1 and 2 were only “fluff”, so why not go directly to Phase 2 and then 3.

City Manager Longley stated that the process was one of creating public awareness of the need to conserve water. He stated that they believed raising awareness helped in conservation efforts, both individually, and through reporting water use abuses.

Council Member Hamilton questioned whether this helps, or if this was something they just do. He asked what they were trying to accomplish. Council Member Hamilton stated that if Phases 1 and 2 worked, they wouldn’t need Phase 3–which only works because they threaten to penalize people.

Mayor Pro Tem Irish told staff that he would be interested to have the 2000-2002 figures also, factoring in growth, new wells, etc. It was suggested that staff also provided an overlay of showing days with 100°+ temperature.

Staff stated they spend $5,500 on the literature and promotion, and they feel it works. They stated that they were trying to maintain production on the wells, without having to drill new wells to meet current needs.

Council Member Hamilton stated that they needed to rewrite Phase 2 and expand it.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council approve going to Phase 2, and look at ways of putting some oomph into it, as recommended. The motion carried unanimously.

Disposition: Approved.

26. PUBLIC TRANSIT SYSTEM OPERATIONAL MODIFICATIONS

Recommendation: That the City Council approve:

1. The modifications to Routes 2 and 5;
2. The addition of Route 7;
3. The operation of Routes 6 and 7 on an hourly basis, alternating one bus between these two routes;
4. The extended hours of Fixed Route, to include service from 7:00 a.m. to 7:00 p.m., Monday through Friday, with Saturday service remaining at 9:00 a.m. to 5:00 p.m.;
5. The reduction of Demand-Response operating hours, to include service from 7:00 a.m. to 9:00 p.m., Monday through Friday, with Saturday service remaining at 9:00 a.m. to 6:00 p.m.;
6. All operational modifications to become effective July 1, 2005.
7. The Staff meeting with affected parties to this proposal after six months of operation to assess the effectiveness and service adequacies.
City Manager Longley presented the item and Darrel Pyle, Deputy City Manager, gave the staff report. Mr. Pyle stated that Charlie Clouse, of TPG was present to answer any questions.

Mayor Pro Tem Irish asked staff to provide an overlay map showing what was proposed now as compared to the first routes. He also spoke regarding a future route to the airport for employees to ride.

Mr. Pyle stated that they were looking at Scranton and additional ridership from the industrial park. He stated that they were looking at moving toward the airport property in the next two years.

Mayor Pro Tem Irish stated that they would see a correlation between ridership and gas prices. He stated that they needed to look at areas where they have large groups of employees. Mayor Pro Tem Irish stated that he would like to thank Linda Clark for her efforts in the Transit Program.

Council Member Stadtherr stated that sometime in the next two months, he would like to go back and address monthly passes. Mr. Pyle stated that staff could bring that back when Tulare County and the public transit organizations in Tulare County work on a Countywide pass to make the systems more interchangeable—probably in the next eight weeks. Council Member Stadtherr stated that would be fine.

Council briefly discussed fare box ratios, and Mr. Pyle stated that staff would come back for adjustments if any route pulled them below the ratio. He stated that they were right at 20% now.

Mayor Martinez clarified with Linda Clark that the changes to the routes would be included in the new County Transit Guide.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council approve the staff recommendation. The motion M.O. 18-041905 carried unanimously.

Disposition: Approved.

27. TRANSIT BUS ADVERTISING

Recommendation: That the City Council approve:
1. The Draft City Operated Local Transit Policy for Advertising, or as revised by the City Attorney;
2. Transit Advertising Contract; and
3. Service Agreement with The Kaltoft Company, and authorize the Mayor to execute the same.

City Manager Longley presented the item and Darrel Pyle, Deputy City Manager, gave the staff report.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Council Member Stadtherr that the Council accept the staff recommendation. The motion M.O. 19-041905 carried unanimously.
Mayor Martinez stated that the City Manager needed to leave for an out of town meeting, and Council Member Stadtherr made a motion to excuse Mr. Longley, and Mayor Martinez seconded the motion. Mr. Longley did not leave.

28. GENERAL PLAN UPDATE ADVISORY COMMITTEE APPOINTMENTS

Recommendation: That the City Council appoint the General Plan Update Advisory Committee as proposed.

City Manager John Longley presented the item, and Brad Dunlap, Community Development Director, presented the staff report. Mr. Dunlap stated that basically it was members of stakeholder groups on the committee. The names provided by the various organizations were Greg Woodard, Brian Ennis, Donnelle Silva-Carter, Jackie Witzel, Gilbert Ynigues, Felipe Martinez, John Eby, Keith Hanson, John Snavely, Mike Arndt, Renee Sprague, Theresa Szymanis, David Nenna, and Kelly Morgan.

Council Member Hamilton stated that he thought Porterville College should have a representative, and that they should discuss having Greg Shelton as a member at large.

The Council questioned having County residents on committees. Mayor Pro Tem Irish stated that they should come up with a standard—perhaps 40% to 45%, or whatever, could be non-residents. Mayor Martinez agreed that in the future they should look at developing something with a majority of Porterville people being on committees. Mayor Pro Tem Irish stated that it should be a policy.

Mayor Martinez asked about expanding this committee, and Mr. Dunlap explained that there would be a series of public workshops to obtain public input.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council appoint Greg Shelton as a member-at-large to the General Plan Update Advisory Committee.

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

Disposition: Motion fails.

M.O. 21-041905 MOVED by Council Member Stadtherr, SECONDED by Council Member West that the City Council appoint the General Plan Update Advisory Committee as proposed.

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

Disposition: Approved.

29. SET ADJOURNED MEETINGS

Recommendation: That the City Council select dates and times for the various adjourned meetings.

Council set June 14, 2005 for the Budget Meeting, and directed staff to call the Council members to set the date for the second meeting regarding the Citywide Fee and Cost Analysis Study.

31. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That Council accept the interim financial status reports as presented.

The City Manager presented the item and the Deputy City Manager gave the staff report.

Council accepted the interim financial status reports as presented.

The Council took a short recess at 10:33 p.m.

32. COMPLIANCE PROCEDURES 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.

The City Manager presented the item and this item and the Deputy City Manager gave the staff report.

COUNCIL ACTION

MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that the City Council adopt a resolution accepting the Statement of Investment policy in accordance with SB 564 and SB 866. The motion carried unanimously.

Disposition: Approved.

33. QUARTERLY PORTFOLIO SUMMARY

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

The City Manager presented the item and this item and the Deputy City Manager gave the staff report. Mr. Pyle stated that he could get Council Member Stadtherr the revisions in the JPA pool.
COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Stadtherr that the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS

• Dick Eckhoff came forward and gave his input on the Water Conservation Program.

OTHER MATTERS

• Mayor Pro Tem Irish asked for some acknowledgment to go to Rick McIntyre and the LDS Church for the project on “P” Hill.

• Council Member Hamilton stated that travel policy needed to be amended to include requesting a form for possible waiving of occupancy tax as government officials when traveling.

• Council Member Hamilton stated that he would like to recognize the homeowners who renovate their homes to the betterment of the community. He stated that a certificate to Michael’s could be given out at a Parks and Leisure Commission meeting, or applicable committee.

• Mayor Pro Tem Irish asked about the old Charter building which was in such poor condition. He was told that Community Development was working with the property owner on removing the building.

• Council Member Stadtherr stated that he may be placing a resolution of opposition to Jackie Goldberg’s Bill banning the use of the name ‘Redskins’ for school teams or mascots. He stated that he had a copy of the City of Tulare’s resolution. Council concurred with placing it on the agenda for consideration.

• Mayor Martinez asked if there was a way of preventing adult businesses from opening close to town. The City Attorney explained the lack of options for regulating businesses outside the City limits.

• Mayor Martinez stated that he had accepted an Ambassador position instead of the other position. He stated that he had spoken about bringing something down here.

ADJOURNMENT

The Council adjourned at 10:53 p.m. to the meeting of May 3, 2005 at 6:00 p.m.

SEAL

Georgia Hawley, Chief Deputy City Clerk

Pedro R. Martinez, Mayor