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

ORAL COMMUNICATIONS
None

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 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
No action reported.

Pledge of Allegiance Led by Mayor Kelly West
Invocation - one individual participated.

PROCLAMATION
• Recognition of Howard Smith
  Council Member Irish read and presented the Proclamation to Mr. Smith.
• Recognition of Patrick Hayes
  Council Member Martinez read and presented the Proclamation to Mr. Hayes.

PRESENTATION
  Employee of the Month - Wendy Miller

ORAL COMMUNICATIONS
• Ben Harvey, 99 S. Ohio Street, voiced concern with the alleged lack of enforcement of the City’s vendor ordinance, and questioned the need for a noise ordinance.
• Jennifer Lindgren, 1123 E. Jasmine, spoke in opposition to Subdivision as proposed in Item No. 11, and commented on the positive public response to supporting literacy in the sales tax measure.
• Denise Marchant, 114 W. Sandra Court, informed the Council of the recent performance of the Porterville Combined High School Orchestra at Carnegie Hall in New York City, presented the Council with a Playbill, and thanked them for their support.
• Isaac Nunez, 1375 W. La Vida, Leadership Porterville Class of 2005, came forward and updated the Council on the recent activities of the Class.
• David Coy, 934 W. Henderson Avenue, came forward as a member of Leadership Porterville Class of 2005.
• Paul Mauney, 2207 W. Wall Court, came forward as a member of Leadership Porterville Class of 2005.
• Mbete Kiamba, 1040 W. Grand Avenue, came forward as a member of Leadership Porterville Class of 2005.
• Julie Ream, 1266 San Lucia, came forward as a member of Leadership Porterville Class of 2005.
• Ann Jacobs, 1349 E. Roby, came forward as a member of Leadership Porterville Class of 2005.
• Michelle Cruz, 367 S. Hockett, came forward as a member of Leadership Porterville Class of 2005.
• Steve Schnars, 1994 W. Wall, came forward as a member of Leadership Porterville Class of 2005.
• Dick Eckhoff, Downtown Porterville Association, 180 N. Main Street, spoke regarding Item 10, summarizing the Advisory Board’s Annual Report.
• Felipe Martinez, 195 W. Putnam, informed the Council of the Exchange Club’s successful fireworks presentation and thanked them for their support.
• Megan Hanson, Leadership Porterville Class of 2004 came forward to fulfill a class challenge.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES MAY 10, 2005, MAY 17, 2005, AND JUNE 7, 2005


Documentation: M.O. 01-070505
Disposition: Approved.

3. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - TEMPORARY DESIGNATION OF MORTON AVENUE AND MATHEW STREET AS A 4-WAY STOP INTERSECTION

Recommendation: That the City Council:
1. Pass a resolution amending Traffic Resolution No. 10-2001, designating Morton Avenue and Mathew Street as a temporary 4-way stop intersection;
2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control devise, namely a temporary 4-way stop, at the intersection of Morton Avenue and Mathew Street;
3. Authorize the City Engineer to install or cause to be installed stop signs at the Morton Avenue and Mathew Street intersection to create a 4-way stop intersection when the Henderson Avenue Reconstruction Project begins; and

4. Upon City Council’s acceptance of the completion of the Henderson Avenue Reconstruction Project, remove the stop signs on Morton Avenue for east and west bound traffic at Mathew Street.

Documentation: Resolution 89-2005
Disposition: Approved.

4. REIMBURSEMENT FOR CONSTRUCTION OF MASTER PLAN FACILITIES - HOLY CROSS CHURCH

Recommendation: That the City Council approve the reimbursement to Holy Cross Church per Section 19A-11 and 19A-12 of the City of Porterville Municipal Code.

Documentation: M.O. 02-070505
Disposition: Approved.

6. HOMELAND SECURITY GRANTS/M.O.U.

Recommendation: That the City Council authorize the Mayor to sign the Memorandum of Understanding.

Documentation: M.O. 03-070505
Disposition: Approved.

7. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of $34,813,941 for the 2005/2006 Fiscal Year.

Documentation: Resolution 90-2005
Disposition: Approved.

8. AIRPORT LEASE - LOT 46A

Recommendation: That the City Council approve the assigning of the Lease Agreement between the City of Porterville and Mr. and Mrs. Swenson to Mr. Robert Baranek.

Documentation: M.O. 04-070505
Disposition: Approved.
9a. AUTHORIZATION TO NEGOTIATE FOR SITE CLEANUP AT 216 EAST ORANGE AVENUE

Recommendation: That the City Council authorize the Public Works Director to negotiate with Bowen Engineering and Robert Volmer Excavation for the asbestos removal, demolition and cleanup at 216 East Orange Avenue for a cost not to exceed $10,000.

Documentation: M.O. 05-070505
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council approve Item Nos. 1, 3, 4, 6 through 8, and 9a. The motion carried unanimously.

Deputy City Manager Darrel Pyle indicated that Item No. 2 would be presented during Scheduled Matters.

5. RATIFICATION OF CONGESTION MITIGATION AIR QUALITY (CMAQ) PROJECTS

Recommendation: That the City Council:
1. Authorize the Mayor to execute the attached resolution formally ratifying the projects presented in the staff report;
2. Direct the Public Works Director to transmit the executed resolution to the Tulare County Association of Governments; and
3. Direct the Public Works Director to prepare and submit a formal application for each project for the purpose of securing the necessary funds to design and construct the projects identified.

At Council’s request, Deputy City Manager Darrel Pyle presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Mr. Rodriguez indicated the replacement projects were as follows:

1. Traffic Signal at Olive Avenue and Mathew Street
   Construction Cost: $285,000
2. Traffic Signal at Newcomb Street and Westfield Avenue
   Design, Right of Way and Construction Costs: $272,000
3. Roundabout at Main Street and College Avenue
   Design, Right of Way and Construction Costs: $125,000
4. Newcomb Street Shoulder Stabilization (Sidewalk)
   Design and Construction Costs: $200,000
Mayor Pro Tem Hamilton suggested that each of the four projects be discussed and ratified separately.

Council Member Stadtherr clarified with staff that the four projects, which costs totaled approximately $770,000, served as merely a place marker with CMAQ. It was explained that in the application, the City would need to prove that each of the projects improved the air quality, and if a particular project was not approved, the City would be given some leeway to change the project.

A discussion ensued during which Mr. Rodriguez indicated that he would like the opportunity to have TCAG affirm in writing that if any of the proposed projects did not meet TCAG’s approval, the City would be able to substitute another project. Mr. Rodriguez stated that it was his understanding that the projects discussed that evening would act as place holders to secure the $770,000.

Mayor Pro Tem Hamilton requested that staff elaborate, for the record, on the reason behind the pursuit of Project No. 1, being the Traffic Signal at Olive Avenue and Mathew Street.

Mr. Rodriguez stated that approximately 3 years before, the City Engineer had made a determination that the intersection met the criteria for deserving a traffic signal. He explained that a traffic signal had been designed for that intersection, but that it had been shelved due to the City’s inability to gain right of way and for lack of funding for the project. He added that now, with the development of the school, proceeding with some type of controlled intersection was even more crucial.

Mayor Pro Tem Hamilton confirmed with staff that the School District was to have been the responsible party for installing the traffic signal, as well as widening Mathew Street, prior to occupying the school.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council ratify the June 2, 2005 submission to TCAG of Resolution 91-2005 Project No. 1. The motion carried unanimously.

Resolution 92-2005 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council ratify the June 2, 2005 submission to TCAG of Project No. 2. The motion carried unanimously.

Council Member Stadtherr moved that the Council ratify the June 2, 2005 submission to TCAG of Project No. 3.

Mayor Pro Tem Hamilton seconded the motion.

Council Member Irish requested further discussion, and voiced concern with the safety of pedestrians and bicyclists in roundabouts. He pointed out that the intersection was near Porterville College which had pedestrian and bicycle traffic during school hours and also on Saturdays during the Flea Market. He questioned whether roundabouts were conducive to this type of traffic. He then suggested that a 3-way stop light might work better, such as the situation at Olive Avenue and Highway 65.
Mr. Rodriguez responded that while he was not an expert on roundabouts, he had reviewed the materials provided him and, according to the literature, roundabouts worked very well with pedestrian and bicycle traffic. As to a 3-way traffic signal, Mr. Rodriguez commented that such a signal would be awkward, due to many things happening at that particular location. He stated that it was his opinion that a traffic signal would not help the situation. He then pointed to the Jaye Street corridor and anticipated improvements, adding that if Poplar Avenue was extended to Main Street, CalTrans would likely require a controlled intersection at that location, which would ultimately affect the intersection under discussion. As to the 3-way traffic signal at Olive Avenue and Highway 65, Mr. Rodriguez indicated that the City had received several complaints regarding that intersection, but that it did function. He added that it was his opinion that a roundabout would work at the intersection at hand and pointed to the $125,000 cost for a roundabout, versus $200,000 or $250,000 for a traffic signal.

Council Member Irish confirmed with Mr. Rodriguez that staff would return to Council and provide information on the dangers roundabouts posed to pedestrians and bicyclists, prior to moving forward on roundabouts. He then stated that according to research online, he understood that bicycle/vehicle collisions were approximately 14% to 16% higher in a roundabout.

A discussion ensued as to a timeline with respect to submitting the projects and securing the $770,000 of CMAQ funds. It was stated that TCAG had reviewed the projects, accepted them as legitimate, and requested ratification by the Council so as to avoid multiple revisions in the future.

Mayor Pro Tem Hamilton stated that Council Member Irish’s concerns should be addressed.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council ratify the June 2, 2005 submission to TCAG of Project No. 3.

Resolution 93-2005

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

Resolution 94-2005 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council ratify the June 2, 2005 submission to TCAG of Project No. 4. The motion carried unanimously.

Disposition: Approved.

9. AUGUST 2, 2005 CITY COUNCIL MEETING TO BE HELD AT PORTERVILLE MEMORIAL AUDITORIUM, FRANK “BUCK” SHAFFER THEATRE

Recommendation: That the City Council ratify the location change to the Porterville Memorial Auditorium, Frank “Buck” Shaffer Theatre for the August 2, 2005 City Council Meeting at the standard time.
Council Member Irish stated that there was no way of knowing how many people would participate and confirmed with staff that the cost to rent the Auditorium was $575. He commented that he believed spending that money was a waste, considering the level of public participation was unknown.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council direct staff to set City Hall Council Chambers M.O. 06-070505 as the location for the August 2, 2005 City Council Meeting. The motion carried unanimously.

Disposition: Approved denial of request.

PUBLIC HEARING


Recommendation: That the City Council:
1. Conduct a public hearing to receive comments on the report of the Advisory Board; and
2. Adopt a resolution confirming the report of the Advisory Board which shall constitute the levy of an assessment for the Fiscal Year 2005/2006.

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

The public hearing opened at 7:50 p.m.

- Dick Eckhoff, Downtown Porterville Association, 180 North Main Street, updated the Council on the Association’s activities and successes.

The public hearing closed at 7:55 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the resolution confirming the report of the Resolution 95-2005 Advisory Board which shall constitute the levy of an assessment for the Fiscal Year 2005/2006. The motion carried unanimously.

Disposition: Approved.

11. CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP (CONTOUR DEVELOPMENT INC.)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Canyon Springs Estate Tentative Subdivision Map; and
2. Adopt the draft resolution approving Canyon Springs Estates Tentative Subdivision Map.

Deputy City Manager Darrel Pyle presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 8:01 p.m.

- David Store, a resident of Folsom, California, came forward as a representative of the Applicant and requested that the Council approve the item.
- Jennifer Lindgren, address on record, spoke in opposition to the Subdivision as proposed, voicing concerns with the density and quality of the project.
- Karen Torres, 1193 E. Jasmine, spoke against the proposed Subdivision and reiterated the concerns voiced by Ms. Lindgren.
- Dorothy Broome, 863 South Crystal, requested clarification as to the location and developer of the proposed project, and cited flooding as a potential issue.
- Dick Eckhoff, address on record, voiced concerns with half-width roads as proposed on the Map.
- Tony Sung, 1110 E. Jasmine, spoke against the proposed Subdivision, voicing concerns with the quality and density of the project affecting values of Jasmine Ranch homes. He then suggested CC&Rs might prove beneficial.
- Joe Guerrero, 332 South F Street, suggested the addition of more access roads for emergency personnel in the proposed design.

The public hearing closed at 8:16 p.m.

Council Member Irish commented that the hillsides of Porterville were precious, pointing out that other major cities in Tulare County did not have them. He commented that he believed the proposed plan lacked vision. He stated that it was a maximum build-out, likely with minimum standards. He commented that he would like to see hillside development move toward even being a better asset for the City of Porterville. He then voiced support for directing the developer to return to the Council with revised Plans.

Council Member Irish moved that the Council direct staff to work with the Developer to revise the Plan.

Mayor Pro Tem Hamilton seconded Council Member Irish’s motion and commented that he would like to see the inclusion of more greenery or a pocket park in the revised design.

Council Member Stadtherr commented that he did not believe one pocket park was enough for the proposed Subdivision.

A discussion ensued as to the inclusion of more green areas and trails in the design, during which Council Member Irish agreed that more than one pocket park should be included.
Mr. Store came forward and requested more specific direction for staff, commenting that while the developer believed it had met all of the minimum requirements, they would be more than happy to work with staff on meeting the identified requirements. He then requested citations from the Municipal Code addressing the inclusion of parks and green areas, or in the alternative, more specific direction from the Council as to what was required.

Mayor Pro Tem Hamilton suggested that the Council representatives from the Hillside/Eastside Committee meet with staff and the developer to discuss specific requirements.

At the request of City Attorney Julia Lew, Council Member Irish amended his earlier motion to include continuing the public hearing to August 16, 2005.

Mayor Pro Tem Hamilton seconded Council Member Irish’s amended motion.

Community Development Director Brad Dunlap noted for the record that Developer representative David Store had nodded his head in the affirmative as to again meeting with staff and continuing the public hearing to August 16, 2005.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council continue the public hearing to August 16, 2005 so as to allow staff to meet with the Developer to revise the Map. The motion carried unanimously.

Disposition: Continued with direction provided to staff.

The Council recessed for ten minutes.

12. VACATE PUBLIC SANITARY SEWER PIPELINES, DOMESTIC WATER PIPELINES, STORM DRAIN PIPELINES AND PUBLIC STREET ACCESS EASEMENTS RELATED TO THE DEVELOPMENT OF MEADOW BREEZE, PHASE TWO SUBDIVISION (NICHOLSON & SMEE, LLC)

Recommendation: That the City Council:
1. Conduct a public hearing; and

Deputy City Manager Darrel Pyle presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:40 p.m. and closed at 8:41 p.m. when nobody came forward.
COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council authorize the City Clerk to execute the vacation of M.O. 08-070505 Parcel C of Document No. 2000-0037339, recorded June 14, 2000 and Document No. 2002-0069651, recorded September 13, 2002, in the Office of the Tulare County Recorder, by signing the appropriate statement on the Final Map. The motion carried unanimously.

Disposition: Approved.

13. REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - ORANGE AVENUE RECONSTRUCTION PROJECT

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

Deputy City Manager Darrel Pyle presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:43 p.m. and closed at 8:44 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council Approve the resolution implementing development Resolution 96-2005 charges for construction of curbs, gutters, sidewalks, drive approaches, and water services; and authorize staff to record a general notice of “Reimbursement Fee” with the Office of the Tulare County Clerk-Recorder.

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

Disposition: Approved.

14. REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - INDIANA STREET RECONSTRUCTION PROJECT

Recommendation: That the Council:
1. Open the public hearing, take public comments, concerns, and questions;
2. Approve the resolution 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.

Deputy City Manager Darrel Pyle presented the item, and Baldo Rodriguez, Director of Public Works, presented the staff report.

The public hearing opened at 8:45 p.m. and 8:46 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve the resolution implementing development charges for construction of curbs, gutters, sidewalks, and drive approaches; and authorize staff to record a general notice of “Reimbursement Fee” with the office of the Tulare County Clerk-Recorder. The motion carried unanimously.

Council Member Irish noted for the record that the current Council increased the trigger from $7,500 to $15,000, which he pointed out benefitted a lot of people.

Disposition: Approved.

15. WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Continue with Phase II of the Water Conservation Plan; and
2. Continue the public hearing to August 2, 2005, to consider moving into Phase III of the Water Conservation Plan.

Deputy City Manager Darrel Pyle presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez noted that staff had amended the staff report to recommend continuance of the public hearing to August 16, 2005, rather than August 2, 2005.

The public hearing opened at 8:48 p.m.

- Pete McCracken, address on record, came forward as president of the Village Green Homeowners’ Association and requested an official City letter be sent to the Association outlining Phase II requirements to assist in encouraging conservation efforts.

Council Member Irish questioned the number of Homeowners’ Associations in the City of Porterville and suggested that letters be sent to all of them.

Council Member Stadtherr thanked Mr. McCracken for his proactive efforts in water conservation.
Mayor Pro Tem Hamilton observed that the City was using less water than it had in 2003, and also had more water available.

The public hearing closed at 8:51 p.m.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Irish that the Council continue the public hearing to August 16, 2005, to consider moving into Phase III of the Water Conservation Plan.

Disposition: Approved.

SECOND READINGS

16. ORDINANCE 1654, ZONE CHANGE 4-2004 (TERRY SCHULER)

Recommendation: That the Council give Second Reading to Ordinance 1654, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council give Second Reading to Ordinance 1654, waive further reading, read by title only, and adopt said Ordinance.

Mr. Pyle read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

17. CONSIDER ADOPTION OF A NOISE ORDINANCE

Recommendation: That the City Council direct staff on how to proceed and set a public hearing for the adoption of the draft ordinance with amendments on August 16, 2005.

Deputy City Manager Darrel Pyle presented the item.

Mayor Pro Tem Hamilton requested that the item be brought back to Council at a later date so as to allow time for him to review the item and work on details.

Disposition: Continued.

2. ACCEPTANCE OF FINAL SUBDIVISION MAP - MEADOW BREEZE, PHASE TWO SUBDIVISION (NICHOLSON & SMEE, LLC)

Recommendation: That the City Council:
1. Approve the final map of Meadow Breeze, Phase Two Subdivision;
2. Accept all offers of dedication and vacation shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Deputy City Manager Darrel Pyle presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Mr. Pyle explained that staff had removed the item from Consent Calendar so as to correct the order in which Items 2 and 12 were considered.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the final map of Meadow Breeze, Phase M.O. 10-070505 Two Subdivision; accept all offers of dedication and vacation shown on the final map; and authorize the City Clerk to file said map with the County Recorder. The motion carried unanimously.

Disposition: Approved.

18. HOMELESS ISSUES WHITE PAPER

Recommendation: Discussion item only.

Deputy City Manager Darrel Pyle presented the item, and Community Development Director Brad Dunlap introduced Development Associate Denise Marchant who presented the staff report.

Disposition: Information only.

19. STREET INFRASTRUCTURE IMPROVEMENTS FOR THE JAYE STREET AND STATE HIGHWAY 90 AREA

Recommendation: That the City Council:
1. Direct staff to refinance the existing Certificates of Participation to extend funding for the underfunded projects;
2. Direct staff to scope out the cost of a new Certificates of Participation Issuance for additional infrastructure improvements described in the staff report; and
3. Authorize staff to move forward with the analysis of using a roundabout as the preferred mitigation strategy for the Jaye Street and South Poplar connection, with Alternative No.1 and the second option.

In terms of addressing traffic challenges, staff proposed the following 3 options:

1. Rerouting Poplar Avenue to the South immediately east of Lone Oak Estates and extending it to Montgomery Avenue where it would elbow to the east and connect to Jaye Street. Existing Poplar Avenue would be converted to a cul-de-sac at the service Station.
2. This alternative would generally be the same as number one, but instead of elbowing to the east at Montgomery, it would extend south to a point approximately parallel with the northerly edge of the WalMart Distribution Facility and then elbow to the east to connect to Jaye Street.

3. The third alternative would be to construct a roundabout at the connection between Montgomery Avenue and Jaye Street. This would accommodate the various roads connecting in one location and would allow Poplar Avenue to continue to tie into Jaye Street with all vehicles routed to the south into the traffic circle and then redirected to the north to queue into the Jaye Street/SH 190 intersection.

Funding options included in the staff report were as follows:

1. Refinance of the current Certificates of Participation – This would generate approximately $1,700,000 and maintain the current level of debt service.

2. Transportation Impact Fees (TIF) – The approximate amount of TIF generated from Riverwalk Market Place, and Porterville Commercial Center will be $2,950,000, that generated from newly proposed subdivisions along Gibbons, Jaye, and Indiana will be $250,500, and that from the Holiday Inn Express will be $167,900 for a total of $3,368,400. The TIF generated from these projects could be directed to specific capital projects, however, it is unlikely that all the fees will be paid at one time or even during the same fiscal year. Timing would be difficult but certain projects may be viable. Also, the City would need to restrict participation in the development fee payment plan if resources are to be directed to improvements in the project area.

3. Certificates of Participation (COP) – Lease financing for major public improvements, which involve the sale of bonds or COP’s to raise funds to do the projects, which are still secured by a lease with the city. The last COP issuance was at a variable interest rate between 4.40% and 6.00% and generated more than $20,000,000 with an annual debt service of approximately $1,300,000.

4. California Infrastructure & Economic Development Bank (CIEDB) – Issue tax-exempt bonds to provide financing for public infrastructure that promotes economic growth. The sewer CIEDB issuance was at a fixed rate of 2.98%.

Deputy City Manager Darrel Pyle presented the item, and Community Development Director Brad Dunlap presented the staff report.

Council Member Irish stated that the City was limited in the ways in which it could gain funds. He voiced concern with the Council identifying projects that might never get completed due to lack of funding. He spoke of concerns regarding the effects of inflation and timing related to the issuance of new COPs and emphasized the importance of assurances that the borrowed funds be applied
towards the projects identified as priorities. He then commented that he wished to proceed expeditiously, however moving in small steps with details provided to the Council along the way.

Mr. Dunlap stated that if the Council chose to move forward with a new COP issuance, the best way to proceed would be to identify the projects, after which the City would initiate the environmental document for those projects. Mr. Dunlap indicated that by proceeding with the environmental document, the City would then be able to initiate the acquisition of needed right of way. He continued that pursuing one environmental document would provide cost effectiveness and time efficiency by allowing early commencement of right of way acquisitions. He summarized that this would be a more streamline approach and thereby accommodate some of the concerns raised by Council Member Irish. He then confirmed that Consultants would be needed in the endeavor.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s comment that more information was needed, however he emphasized the importance of getting infrastructure in place so that the growth that Porterville was seeking could be achievable. He voiced support for moving forward.

Council Member Martinez moved that the Council accept staff recommendation.

Council Member Stadtherr seconded Council Member Martinez’s motion.

Council Member Irish voiced support, with the caveat that staff keep the Council updated on a milestone basis.

In response to a request from Council, Mr. Dunlap offered a brief update on the state of negotiations with the various agencies involved, including the railroad, Army Corps of Engineers, and Department of Fish and Game. Mr. Dunlap explained that the City had a solid working relationship with the railroad and stated that generally when an agency attempted to acquire a crossing, the railroad required one be given up. He commented that staff had been researching the issue and had some ideas that would be brought before the Council once additional information and criteria had been gained from the railroad. With respect to the Army Corps of Engineers and the Department of Fish and Game, Mr. Dunlap indicated that the City also had a working relationship with these agencies, and their involvement would relate to the low water crossing at Indiana. He stated that both agencies had offered verbal information as to their requirements.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Stadtherr that the Council direct staff to refinance the existing Certificates of Participation to extend funding for the underfunded projects; direct staff to scope out the cost of a new Certificates of Participation Issuance for additional infrastructure improvements described in the staff report; authorize staff to move forward with the analysis of using a roundabout as the preferred mitigation strategy for the Jaye Street and South Poplar connection, with Alternative No.1 and the second option; and keep the Council updated on a milestone basis. The motion carried unanimously.

Disposition: Approved.
ORAL COMMUNICATIONS

• Pete McCracken, address on record, suggested that some L.E.D. traffic signals throughout town required maintenance.
• Joe Guerrero, address on record, advised the Council of potholes at Date Avenue south of F Street, and in the alley behind Porterville Feed. Mr. Guerrero then voiced concern with restricting the City’s youth by banning loud car stereos, instead suggesting “zones” in which loud music could be played.
• Dick Eckhoff, address on record, spoke against allowing such a zone on Main Street, as was proposed by Mr. Guerrero.

OTHER MATTERS

• Council Member Irish invited Aaron Burgin, the new reporter for the Porterville Recorder, to come forward.
• Aaron Burgin, came forward and introduced himself to everybody.
• Mayor West questioned whether the last Oral Communications segment on the Council Agenda was necessary. After some discussion, the Council agreed that all Oral Communication segments were necessary and should remain.
• Council Member Martinez requested that a congratulatory letter, signed by all Council Members, be sent to the Porterville Combined High School Orchestra members that performed at Carnegie Hall.

ADJOURNMENT

The Council adjourned at 9:40 p.m. to the meeting of July 8, 2005 at 8:30 a.m.

Patrice Hildreth, Deputy City Clerk

SEAL

Kelly E. West, Mayor