CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
JUNE 20, 2006, 7:00 P.M.

Call to Order at 7:00 p.m.
Roll Call: Council Member Irish, Council Member West, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor Martinez

Pledge of Allegiance Led by Council Member Ron Irish
Invocation - one individual participated.

PROCLAMATION
“Childhood Cancer Awareness Month” - June, 2006
“Teresa Jackson Day” - June 30, 2006

ORAL COMMUNICATIONS

- Greg Shelton, 888 N. Williford Drive, referred to Item No. 4 and spoke of marked improvements at the golf course; spoke against the City pursuing the purchase of PUSD surplus properties identified in Item No. 27, noting the interest of the Tule River Tribe and Sierra View District Hospital for same; and spoke against the new Building Fees, requesting that the Council re-examine said fees.

- Donnette Silva-Carter, Porterville Chamber of Commerce, voiced support for the Resolution of Support for Widening Highway 65, Item No. 16, and spoke of the joint efforts to see the project to fruition. She also requested support in the future toward the prioritization of efforts for widening Highway 190.

- Lee Gifford, 525 N. Murry, inquired as to the status of the proposed apartment near his residence. He spoke of direction by the Council at a previous meeting to have staff and the developer work with the residents and voiced concern that neither he nor any other residents had been informed of the progress. He spoke of construction at the site and of CC&Rs designating the area as “condominium only.” Community Development Director Brad Dunlap advised Mr. Gifford of the developer’s decision to scale back the project which then eliminated the necessity of a C.U.P., and informed Mr. Gifford of the City’s inability to enforce CC&Rs.

- Billy Smith, 548 W. Grand Avenue, voiced displeasure with the perceived disregard for traffic signals by Porterville citizens, and spoke against the recent removal of the stop signs on Villa Street at the intersection of Grand Avenue, citing safety issues.

- Jack Bush, 567 W. Grand Avenue, voiced concern with the removal of stop signs at the intersection of Villa Street and Grand Avenue and requested that the stop signs be reinstalled.

- Warren Conner, 507 W. Grand Avenue, spoke against the removal of the stop signs on Villa Street at Grand Avenue citing safety issues, and questioned the validity of negative environmental impacts created by vehicles stopping at stop signs.

- Ruth Phelps, 579 N. Villa Street, voiced displeasure with the removal of stop signs on Villa Street at the Grand Avenue intersection, and spoke of accidents and near-accidents resulting from the removal.
• Judy Smith, 548 W. Grand Avenue, spoke against the removal of the stop sign on Villa Street at Grand Avenue, and questioned whether any impact analyses had been conducted prior to their removal. Mrs. Smith then provided the Council with correspondence from Rhonda and Matt Cox, 508 W. Grand Avenue, regarding the same issue.

At the Mayor’s request, Public Works Director Baldo Rodriguez informed everyone of the grant program that mandated the removal of several stop signs for air pollution control purposes, and voiced his desire to re-address TCAG to possibly adjust the requirements. A discussion ensued as to other traffic calming measures that could potentially be employed.

Mr. Longley noted the importance and sensitivity of the matter and advised of an analysis currently underway, and estimated the end of next week as the report’s likely completion date. Mr. Longley then spoke of the misconception that crosswalks provided a safer environment for pedestrians, instead stating that studies have found the exact opposite to be true. In response to a request by Council Member Stadtherr, Mr. Longley indicated that staff could research whether information pertaining to the study(ies) on crosswalk safety was available.

Council Member Irish inquired as to how long the stop signs in question had been in place, and what necessitated their installation. Mr. Longley acknowledged Mr. Irish’s request.

• Stella Merchalt-Jenkins, 730 N. Jaye Street, voiced concern with the removal of the stop signs at Villa and N. Grand Avenue, spoke of safety issues and speeding traffic, and requested that the signs be reinstalled. Ms. Merchalt-Jenkins then voiced displeasure with the incompletion of Indiana Street.

• Ronald Jenkins, 730 N. Jaye Street, spoke against the removal of the stop signs, voiced concern with safety issues, questioned the reasoning for a 30 mph speed limit in the subject residential area; and spoke in favor of the reinstallation of the stop signs.

Mayor Martinez requested that the Police Department commence speed enforcement activities in that vicinity. Mr. Longley confirmed action would be taken.

• Anabell Gobel, 1996 North Main Street, spoke regarding Item No. 16, voicing displeasure that the Council had not taken action to widen Highway 65. Mayor Pro Tem Hamilton informed Ms. Gobel of the City’s efforts to date with the State to prioritize the project.

• Karen Smith, a Springville resident, spoke of efforts to date by her and her associates on the widening of Highway 65, commented that State officials had indicated the decision to be up to local county officials, and voiced concern that no action had been taken. Mayor Pro Tem Hamilton reiterated that funds needed for the project were controlled by the State and not the County.

• Gail Semple, 417 E. Putnam Avenue, spoke of efforts to date for the widening of Highway 65, voiced concern with the lack of action by the County to widen the highway to the Kern County line, and spoke against prioritizing the widening of Highway 190.
Mayor Martinez spoke of the importance to the Council of the Highway 65 project, pointed out that Item 16 was a resolution of support for the project, and requested that all of those in favor of widening Highway 65 raise their hands. (Approximately 95-100% of the audience members raised their hands in support.)

- Mimi Stoneburner, Porterville Chamber of Commerce, came forward and clarified that the Chamber’s support for prioritizing the widening of Highway 190 was in recognition of the eventual necessity to improve access to Porterville, along with Highway 65, and to at least begin what was to be a lengthy process.
- Robert Vanderhorst, 288 North D Street, came forward regarding Item 24, spoke of a recent meeting of the Downtown Porterville Associations and spoke in favor of modifying the fee structure of the Business Improvement District ("BID") to a flat fee.
- Dick Eckhoff, Downtown Porterville Association, 180 N. Main Street, confirmed with the City Attorney that language had been modified as required by law in the draft resolution in Item 24, and spoke of progress at the recent BIA meeting. Mr. Eckhoff provided letters against the disestablishment of the BID from Renay Sprague of Sprague’s Outdoor Power Center; Gary Giraudi of Whitehurst Lloyd, who also voiced support for a flat fee; and Sandy Powell of Fashion Network. He then thanked all involved parties for the recent compromise and noted the approval at the recent meeting of a flat rate assessment of $150 per annum. Mr. Eckhoff requested that Item 24 be removed from the agenda and that no further action be taken, and that the Council initiate action to approve a flat assessment rate of $150 per year per business.
- Chris Lewis, Porterville Physical Therapy, 112 N. D Street, spoke of unfairness and dissension amongst members in the DPA and spoke in favor of either a flat fee or disestablishment.
- Aaron Taylor, owner of the soon-to-be Screaming Moose Restaurant, voiced support for a flat fee for the BID.
- Casey Bolling, 198 N. Main Street, voiced support for continuing the BID with a flat fee.

CONSENT CALENDAR

Items 1, 2, 4, 8, 11 and 14 were removed for further discussion.

3. BUDGET ADJUSTMENT FOR THE 2005-2006 FISCAL YEAR

Recommendation: That the City Council approve the budget adjustments proposed in the staff report, and authorize staff to modify revenue and expenditure estimates accordingly.

Documentation: M.O. 01-062006
Disposition: Approved.

5. AUTHORIZATION TO REJECT BID AND RE-ADVERTISE FOR BIDS - AIRPORT IMPROVEMENT PROJECT

Recommendation: That the City Council reject the sole bid for the airport improvement project and authorize staff to re-advertise for the base project and add-alternates.
6. AWARD CONTRACT - LONG BED PICKUP TRUCK

Recommendation: That the City Council:
1. Award the contract for one (1) new one-half ton long bed pickup truck to Three-Way Chevrolet of Bakersfield, California, in the amount of $16,355.38; and
2. Authorize payment upon satisfactory delivery of the equipment.

7. AUTHORIZATION TO NEGOTIATE A CONTRACT - CONSULTING SERVICES TO PREPARE CIEDB WATER LOAN APPLICATION

Recommendation: That the City Council:
1. Authorize the Mayor to execute a service agreement with Quad Knopf in an amount not to exceed $21,258 to prepare final application documents for a water loan with the California Infrastructure and Economic Development Bank (“CIEDB”);
2. Authorize the Mayor to sign all contract documents;
3. Authorize the Public Works Director to approve addendums up to 110% of the contract; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

9. MODIFICATIONS TO RESIDENTIAL DRIVEWAY STANDARDS

Recommendation: That the City Council:
1. Approve and adopt the proposed resolution changing City Standards Plans C-6 and C-11 to reflect the modifications to residential driveways; and
2. Direct the City Engineer to bring forth at the earliest time possible, the revised Residential Driveway Standards Plans for the Council’s approval.

10. PUBLIC EDUCATION WORKSHOPS - CURBSIDE RECYCLING PROGRAM

Recommendation: Informational Item Only.

Disposition: No action necessary.
12. APPROVAL FOR COMMUNITY CIVIC EVENT - CALVARY CHAPEL - CROWN OF LIFE - JULY, 8, 2006

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Calvary Chapel to hold their Crown of Life event at Murry Park Pavilion Nos. 4 and 5 on Saturday, July 8, 2006 from 12:00 p.m. to 7:00 p.m., subject to the restrictions and requirements contained in Exhibit A of the Application and Agreement.

Documentation: M.O. 05-062006
Disposition: Approved.

13. RESOLUTION AUTHORIZING CONTINUED INVESTMENT OF CITY MONIES INTO THE LOCAL AGENCY INVESTMENT FUND (LAIF) AND DESIGNATING TRANSACTION OFFICERS

Recommendation: That the City Council adopt the proposed resolution reaffirming the investment of the City’s monies in the Local Agency Investment Fund (“LAIF”) and designating transaction officers.

Documentation: Resolution 77-2006
Disposition: Approved.

15. STATE DOMESTIC PREPAREDNESS GRANT

Recommendation: That the City Council:
1. Authorize staff to purchase the equipment and labor proposed in the staff report under the negotiated bid process;
2. Authorize the disbursement of funds from the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund No. EL-2997” for the initial costs; and
3. Authorize the grant reimbursement funds to be deposited into account No. EL-2997.

Documentation: M.O. 06-062006
Disposition: Approved.

16. RESOLUTION OF SUPPORT FOR HIGHWAY 65, PORTERVILLE TO BAKERSFIELD

Recommendation: That the City Council approve the draft resolution as presented.

Documentation: Resolution 78-2006
Disposition: Approved.
17. LEGAL SERVICES AGREEMENT - CITY ATTORNEY

Recommendation: That the City Council:
1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

Documentation: M.O. 07-062006
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the City Council approve Item Nos. 3, 5 through 7, 9, 10, 12, 13, and 15 through 17. The motion carried unanimously.


Mayor Martinez noted his abstention as to the Minutes of May 16, 2006 only.


M.O. 08-062006

AYES: Irish, West, Hamilton, Stadtherr
NOES: None
ABSTAIN: Martinez (as to May 16, 2006 only)
ABSENT: None

Disposition: Approved.

14. CIVIL AIR PATROL - SUBLEASE FROM PAPA

Recommendation: That the City Council approve the subleasing of the storage area to Sequoia Porterville Squadron 33 of the Civil Air Patrol for the remainder of PAPA’s lease.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the City Council approve the subleasing of the storage area to Sequoia Porterville Squadron 33 of the Civil Air Patrol for the remainder of PAPA’s lease.
M.O. 09-062006
AYES: Irish, West, Hamilton
NOES: None
ABSTAIN: Stadtherr, Martinez
ABSENT: None

Disposition: Approved.

2. CLAIM - KIMBERLY BRADLEY

Recommendation: That the City 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.

Council Member Irish questioned how many similar claims the City received in a given year, to which staff estimated approximately a dozen. Mr. Longley indicated that staff had studied the matter and that a memorandum had been distributed. Council Member Irish stated that he had not received the memo. A discussion ensued as to how many claims had been paid, during which staff estimated approximately three had been paid.

Council Member Stadtherr inquired as to when the photographs attached to the claim were taken. It was stated that the photographs were taken after the repairs had been made.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the City 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. The motion carried unanimously.

Disposition: Approved.

4. BUDGET ADJUSTMENT FOR GOLF COURSE OPERATIONS

Recommendation: That the City Council authorize a budget increase for the Golf Course in the amount of $58,000 for Fiscal Year ending June 30, 2006.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

Mayor Pro Tem Hamilton noted the achievements to date of Mr. Gilwitz at the Golf Course and informed everyone of his invitation to come and check out the improvements in two weeks.

Council Member Irish requested a breakdown of the nine percent administrative fee. City Manager John Longley confirmed that the information would be provided to the Council.
**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council authorize a budget increase for the Golf Course in the amount of $58,000 for Fiscal Year ending June 30, 2006.

**M.O. 11-062006**

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

Disposition: Approved.

8. **ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX**

**Recommendation:** This report is for informational purposes, consistent with agreements and previous instructions. It is recommended that the City Council use the information to inform any citizens that may inquire about fee adjustments.

Council Member Irish requested clarification as to the reasoning behind the different Park Impact Fees for single family residences and mobile home residences. Staff indicated that the Impacts had been established by the Council some years ago, and staff believed the fees were based on density. A discussion ensued as to the justification of said fees, during which Council Member Irish voiced concern with the fee structure.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the fees as proposed in the staff report.

**M.O. 12-062006**

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

Disposition: Council approved fees presented in the informational report.

11. **ANNUAL ENGINEER’S REPORT AND ASSESSMENTS FOR LANDSCAPE MAINTENANCE DISTRICTS**

**Recommendation:** That the City Council:

1. Adopt the proposed resolutions:
   a. Ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2006-2007;
   b. Giving preliminary approval to the Engineer’s Reports for the Landscape and Light Maintenance Districts for Fiscal Year 2006/2007; and
c. Declaring the intent to levy and collect assessments for Fiscal Year 2006/2007, and offering a time and place for hearing objections thereto.

2. Set a public hearing for 7:00 p.m. on July 18, 2006 regarding the Engineer’s Report and proposed assessments for the Lighting and Landscape Maintenance Districts for Fiscal Year 2006/2007.

Council Member Irish inquired as to how much of a deficit the Landscape Maintenance Districts ran overall. Parks & Leisure Services Director Jim Perrine indicated that while some Districts carried a deficit, other did not, and that overall, a positive fund balance existed. He indicated that staff was looking into why some Districts continued to erode, while others generated a positive fund balance, and surmised that some of those Districts with deficits might not be capturing all expenses. Mr. Perrine indicated that he did not have a figure for total overall dollars in deficit.

Mayor Pro Tem Hamilton questioned whether the figures accounted for arrears in property taxes. A discussion ensued, during which Mr. Perrine indicated that there might be some arrears on some of the Districts, but that generally, over the course of years, it balanced out. Mr. Perrine then advised the Council of the policy for refunding overages. He stated that prior to refunding any monies, staff would conduct an analysis of expenses, with the assistance of Wildan & Associates, to ensure the expenses were captured correctly. Mayor Pro Tem Hamilton voiced support for proceeding with an independent auditor to avoid any misperceptions.

Council Member Irish suggested that Wildan & Associates also analyze the Districts funds and advise as to which they felt should be eliminated. He then commented that he hoped the Districts were not being held so as to collect the administration fees.

Council Member Stadtherr voiced concern with spending $40,000 to determine how to refund $40,000.

Mayor Pro Tem Hamilton agreed and spoke in favor of a third-party’s assessment to avoid any misperceptions about the process.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve staff’s recommendation, with the direction that a third party be used as much as possible to assess the financial viability of the Districts, and that those Districts that are not deemed to be viable be discontinued. The motion carried unanimously.

Disposition: Approved.

Mayor Martinez requested that Item 20 be presented next.

**PUBLIC HEARINGS**

20. CONDITIONAL USE PERMIT 3-2006 (DOUG RYAN & DAVID MAKSoudIAN)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 3-2006.
City Manager John Longley presented the item, and Brad Dunlap, Community Development Director, presented the staff report.

Mayor Pro Tem Hamilton noted he had not realized his business was across the street from the subject property, and therefore would need to immediately recuse himself. He then left the Council Chambers.

The public hearing opened at 8:38 p.m.

- Donna Shamley, Roberts Engineering, came forward on behalf of the applicants and spoke in favor of the CUP.
- James Randolph, 32516 Success Valley Drive, identified himself as an owner of property adjacent to the subject property. He voiced concerns with sewer, run-off and parking, and requested to see the design plans.

The public hearing closed at 8:40 p.m.

In response to an inquiry from Council Member West, a discussion ensued as to the proposed materials for construction of the carports.

- Donna Shamley came forward and indicated that the carports would be partially enclosed and constructed of wood. She added that the design would compliment the structure proposed for the site, and noted the location of the carports and individual storage units on the overhead map.

Council Member Irish voiced an interest in continuing the item until more information on the design was available. He then noted that the project’s park impact fee would likely be approximately $17,840.

The Council concurred with Member Irish’s suggestion to continue the item.

In response to a request by Mayor Martinez, staff addressed the concerns raised by Mr. Randolph with regard to sewer, water run-off and parking.

Mr. Longley clarified that the direction of the Council was to bring the item back with design information, and a more legible, larger map.

Disposition: Continued.

18. CONSIDERATION OF THE PROPOSED 2006/07 FY CITY BUDGET

Recommendation: That the City Council adopt the proposed 2006/2007 Fiscal Year Budget, as modified by the Council, subject to the ratification of a newly seated City Council at the July 5, 2006 meeting.
City Manager John Longley presented the item and the staff report which included a visual presentation. Mr. Longley then noted that Sub-Items 18a through 18d related to the Budget, and requested that staff be afforded the opportunity to present the staff reports for those items at that time.

Mayor Martinez indicated that he had requested Item 18b be brought forward and that rather than moving forward that evening, he would prefer the item be referred to the Parks & Leisure Services Commission for review and recommendations.

18b. TRANSPORTATION FOR YOUTH PROGRAM PARTICIPANTS

Recommendation: That the City Council consider the issues surrounding the acquisition of a 15-passenger van to support youth program activities. Should the Council desire to obtain a vehicle, direction should be given regarding:
1. The source and amount of funds to be provided for the vehicle acquisition;
2. Either an increase to the Parks & Leisure Services Department ongoing operations budget by $8,000 to support the use of this vehicle, or which activities/programs the Council desires to be reduced in priority and scope to absorb the van operations cost; and
3. A minute order policy limiting the use of the vehicle to transportation for youth program participants.

Pursuant to the request of Mayor Martinez, this Item was not presented and instead referred to the Parks & Leisure Services Commission.

Disposition: Referred to Parks & Leisure Services Commission

Council Member Stadtherr indicated that he had requested that Item 18d be brought forward, but given the broad nature of programs that the City pursued, a single grant writer would not possess the expertise to cover all of the necessary areas. As such, he requested that Item 18d be removed from the Agenda.

18d. CONSIDERATION OF HIRING A FULL TIME GRANT WRITER

Recommendation: Discussion Item Only.

Pursuant to the request of Council Member Stadtherr, this item was removed from the Agenda.

Disposition: Removed from consideration.

18a. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of commerce Activity Report and Financial Statements, and that any additional funding consideration by the Council should be for specific services provided by the Chamber in support of Council programs and policies.
City Manager John Longley presented the item, and Administrative Services Manager John Lollis presented the staff report.

18c. AN OVERVIEW OF THE STREET MAINTENANCE PROGRAM


The Council waived the staff report on this item.

The public hearing opened at 9:06 p.m.

- Greg Shelton, address on record, requested financial information on the City’s farming operation, and noted the requirement pursuant to the Agricultural Management Agreement to provide said information within thirty days after the close of the Fiscal Year.
- Donnette Silva-Carter, Porterville Chamber of Commerce, noted the past and current Chamber Board Members in the audience, and requested the City’s continued support of the Chamber.

Mayor Pro Tem Hamilton inquired whether the Chamber would be interested in taking the responsibility of scheduling events at Centennial Park. Ms. Silva-Carter indicated that the Chamber would consider the request and that it was looking forward to discussing its partnership with the City.

- Dick Eckhoff, address on record, spoke regarding Item 18c, noting the need for reconstruction of the City’s parking lots, and requested the Council’s consideration with prioritizing same.
- Jennifer Lindgren, 1123 E. Jasmine Drive, commended the Council on honoring Teresa Jackson, spoke of the benefits that the Chamber of Commerce provides to the City, and requested an increase in the City’s budget allocation for the Chamber to $27,000, which she estimated would equate to an annual 2% increase to cover inflation over the last 15 years.

The public hearing closed at 9:14 p.m.

Mayor Pro Tem Hamilton clarified with staff the total allocation amount for all funds for equipment replacement.

In response to Mayor Pro Tem Hamilton’s follow-up as to the concerns raised by Mr. Shelton pertaining to the financial reporting for the farming operation, Mr. Longley indicated that once the Fiscal Year ended, figures could be provided. Mayor Pro Tem Hamilton agreed and suggested that the new contract should be amended to correct that requirement.

Council Member Irish spoke of the benefits that the Chamber provided to the City and spoke in favor of increasing funding with the addition of an annual CPI increase.
Council Member West questioned the structure of the partnership, indicating that he had thought the agreement would entail contracting with the Chamber only for specific events. He then suggested that the duties the Chamber currently performed fell under its job description.

Mayor Martinez clarified with staff that the City had allocated $8,000 for a part-time individual to primarily handle Centennial Park events scheduling, as well as to assist with other activities when needed. He spoke in favor of working with the Chamber instead to handle that activity, noting that he did not wish for the City and the Chamber to compete in scheduling events. A discussion ensued as to Chamber’s work, during which Mayor Martinez spoke of the dedication of the organization and spoke in favor of increasing its allocation.

Council Member Irish voiced support for increasing the Chamber’s allocation to $30,000, with the addition of services for scheduling events at Centennial Park.

Mayor Martinez agreed with Council Member Irish’s suggestion.

City Manager John Longley clarified that the current discussion was to increase compensation to the Chamber to $30,000 to cover cost of living increases and also to pick up scheduling of Centennial Park.

Council Member Irish moved that the Council approve an increase in allocation to the Chamber of Commerce to $30,000 to cover cost of living increases and for the added service of scheduling activities at Centennial Park.

Mayor Martinez seconded the motion.

A discussion ensued as to whether the Council’s direction regarding whether the Budget would be adopted that evening, and then brought back to the newly seated Council for ratification. Council Member Irish voiced concern with passing the Budget without the new Council’s input.

Council Member Stadtherr clarified with Ms. Silva-Carter that the financials provided by the Chamber were as of October 31, 2005, which was the Chamber Fiscal Year End, and that Chamber financial reports were only required to be audited every three years. He voiced concern with the report, yet did not elaborate.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that City Council approve an increase in allocation to the Chamber of Commerce to $30,000 to cover cost of living increases and for the added service of scheduling activities at Centennial Park.

AYES: Irish, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: West
ABSENT: None
City Manager clarified that staff would prepare a new contract with the Chamber to incorporate the revise amount, including the additional service of scheduling activities at Centennial Park, and present the proposed contract to the Chamber.

Resolution 82-2006  MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the draft FY 2006/2007 Budget, as modified by Council, subject to the ratification of the Budget by the newly seated Council. The motion carried unanimously.

Disposition: Approved, as amended.

The Council recessed for ten minutes.

19. ORDINANCE TO REGULATE CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS

Recommendation: That the City Council:
1. Approve the proposed ordinance and give first reading to the draft ordinance; and
2. Waive further reading and order the ordinance to print.

City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 9:50 p.m.

• Greg Shelton, 888 N. Williford Drive, questioned the accuracy of the proposed maps, and voiced concern with limiting the uses for commercial properties.
• Jimmy Strom, a Fresno resident and subject telecommunications developer, spoke in favor of the proposed 150 foot restriction.

The public hearing closed at 9:57 p.m.

A discussion ensued as to the whether the proposed 150 foot buffer around residentially-zoned properties was sufficient, during which it was suggested to increase the buffer to 300 feet. The Council clarified with the City Attorney that such an amendment could be made that evening without delaying the Ordinance.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve the proposed ordinance, as amended to increase the buffer around residentially-zoned properties from 150 feet to 300 feet, give first reading, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ORDINANCE TO REGULATE CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS. The motion carried unanimously.
The City Manager read the ordinance by title only.

Disposition: Approved.

21. WATER CONSERVATION PLAN

Recommendation: That the City Council:
1. Approve the City moving into Phase II on June 21, 2006;
2. Set a public hearing for August 15, 2006 to move into Phase III for the months of August and September, if severe water supply shortage is projected; and
3. If severe water supply shortage is not projected, City staff will only have a Water Conservation Report at the August 15, 2006 public hearing.

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

The public hearing opened at 10:04 p.m. and closed at 10:05 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the City Council approve the City moving into Phase II on June 21, 2006; and direct staff to set a public hearing for August 15, 2006 to move into Phase III for the months of August and September, in the event severe water supply shortage is projected. The motion carried unanimously.

Disposition: Approved.

SECOND READINGS

22. ORDINANCE 1698, PROHIBITING COMMERCIAL VEHICLES ALONG WESTWOOD STREET

Recommendation: That the City Council give Second Reading to Ordinance No. 1698, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council give Second Reading to Ordinance No. 1698, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XI, TO INCLUDE SECTION 17-11.18 PARKING - COMMERCIAL VEHICLES ALONG WESTWOOD STREET, OF THE CODE OF THE CITY OF PORTERVILLE. The motion carried unanimously.
The City Manager read the Ordinance by title only.

Disposition: Approved.

23. ORDINANCE 1699, AMENDING ZONING ORDINANCE SECTION 236, BUILDABLE AREA

Recommendation: That the City Council give Second Reading to Ordinance No. 1699, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council give Second Reading to Ordinance No. 1699, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODES APPENDIX A, SECTION 236, PERTAINING TO BUILDABLE AREA. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

24. RESOLUTION OF INTENT TO DISESTABLISH THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE AND PROPOSING TO DISPOSE OF ANY ASSETS ACQUIRED WITH THE REVENUES OF ASSESSMENTS LEVIED

Recommendation: That the City Council proceed with one of the following options:

1. Adopt the Resolution of the City Council of the City of Porterville Resolving the Intent to Disestablish the Business Improvement Area of the City of Porterville and Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and proceed with the public hearing and consideration of an ordinance disestablishing the Business Improvement Area in accordance with applicable law.

2. Provide direction concerning any alternative modifications to the Business Improvement Area, or the assessments levied.

3. Take no action.

City Manager John Longley presented the item and City Attorney Julia Lew presented the staff report.

Mayor Pro Tem Hamilton voiced concern with the continued discontent amongst members of the Business Improvement Area, and noted the small number of members present at the meeting that evening.
Council Member Irish agreed with Mayor Pro Tem Hamilton’s comments.

Council Member West concurred.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Hamilton that the City Council adopt the Resolution of the City Council of the City of Porterville Resolving the Intent to Disestablish the Business Improvement Area of the City of Porterville and Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and proceed with the public hearing and consideration of an ordinance disestablishing the Business Improvement Area in accordance with applicable law. The motion carried unanimously.

Disposition: Approved.

25. AUTHORIZATION TO ADVERTISE FOR BIDS - RETAINING WALL AT 945 EAST MORTON AVENUE (LDS CHURCH)

Recommendation: That the City Council:
1. Approve the plans and specifications for a 32" high retaining wall; and
2. Authorize the Public Works Department to advertise for bids to construct a 35' long, 32" high retaining wall at 945 E. Morton Avenue.

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

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the City Council approve the plans and specifications for a 32" high retaining wall; and authorize the Public Works Department to advertise for bids to construct a 35' long, 32" high retaining wall at 945 E. Morton Avenue.

Disposition: Approved.

26. TEMPORARY RESOLUTION SUPPORTING SEPTIC TANK INSTALLATION WITHIN CITY LIMITS

Recommendation: That the City Council approve and adopt the draft Resolution to Allow the Installation or Repair of Septic Tanks Within Annexation Areas Nos. 446, 455, 456, 457, 458 and 459.

City Manager John Longley presented the item and Public Works Director Baldo Rodriguez presented the staff report.
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Hamilton that the City Council approve and adopt the draft Resolution to Allow the Installation or Repair of Septic Tanks Within Annexation Areas Nos. 446, 455, 456, 457, 458 and 459.

Disposition: Approved.

27. NOTICE OF SALE OF SURPLUS PROPERTY

Recommendation: Because funding has not been established and the property is not defined in any park or open space plan of the City, the City should not submit a bid for purchase.

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

Mayor Pro Tem Hamilton stated that he did not see a need for the City’s acquisition of either property, and moved that the Council direct staff to draft a letter to Porterville Unified School District thanking the District, but indicating that the City was not interested in purchasing the properties.

Council Member West seconded Mayor Pro Tem Hamilton’s motion.

Council Member Stadtherr spoke of Mayor’s Park in Visalia, and suggested that Porterville could also have a “green space” through town by utilizing the slough. He then voiced displeasure with staff providing a recommendation, when he had only requested the item be placed on the Agenda. Council Member Stadtherr then noted that a need for parks always existed, and suggested that it would not hurt to ask for the property to be gifted to the City.

In response to comments made by Council Member Stadtherr, City Attorney Julia Lew clarified that the properties could be donated to the City, however some general constraints existed. She stated that public entities could not be gifted public property for funds or resources for a public purpose that was not consistent with the entity’s powers. Ms. Lew then clarified that a response to the School District was not legally required, but rather would be sent as a courtesy.

Mayor Pro Tem Hamilton amended his motion to direct staff to also convey the City’s willingness to accept the property as a donation.

Council Member West seconded the amended motion.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council direct staff to send a letter to Porterville Unified School District conveying the City’s inability to purchase the properties, but willingness to be gifted same.

AYES: West, Hamilton, Stadtherr, Martinez

NOES: Irish

ABSTAIN: None

ABSENT: None
28. CONSIDERATION OF FOR WATER CONSERVATION REQUIREMENTS FOR NEW DEVELOPMENT

Recommendation: Discussion item only.

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

Council Member Stadtherr spoke of the need for water conservation and voiced support for appointing two City Council Members to meet with representatives from the building industry to discuss ways to increase conservation.

Council Member Irish commented that the only way to encourage cooperation from the BIA was to offer some type of incentives.

Mayor Martinez requested that the item be brought back when the new Council was seated. The Council concurred.

Disposition: Continued for consideration by the newly-seated Council.

29. POTENTIAL BALLOT MEASURES

Recommendation: Discussion item only.

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

Council Member Stadtherr suggested that the Council consider placing an Advisory Measure on the November ballot as to whether the City should pursue photographic enforcement of speed zones and traffic signals. He spoke of the need to get the public’s opinion.

Council Member West voiced support for continuing the item for consideration by the new Council.

Mayor Pro Tem Hamilton spoke in favor of hearing the opinions of the citizens, but voiced concern with the “big brother” concept.

Council Member Irish noted the large expense in placing a measure on the ballot, and suggested the money could instead fund another motorcycle officer.

Mayor Martinez requested that the matter be brought back for consideration by the newly seated Council. The Council concurred, and due to the time constraints with placing a measure on the ballot, decided to bring the item back at the meeting of July 5, 2006.

Mayor Pro Tem requested that an estimated cost for placing an advisory measure on the ballot be included in the staff report. City Manager John Longley confirmed the Mayor’s request.
Disposition: Continued to July 5, 2006.

Adjourn to a Meeting of the Porterville Redevelopment Agency

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
June 20, 2006

Roll Call: Agency Member Irish, Agency Member West, Vice-Chairman Hamilton, Agency Member Stadtherr, Chairman Martinez

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
PRA-1. RESOLUTION AUTHORIZING CONTINUED INVESTMENT OF CITY MONIES INTO THE LOCAL AGENCY INVESTMENT FUND (LAIF) AND DESIGNATING TRANSACTION OFFICERS

Recommendation: That the Porterville Redevelopment Agency adopt the draft resolution reaffirming the investment of the City’s pooled monies in the Local Agency Investment Fund (“LAIF”) and designating transaction officers.

City Manager/Agency Secretary John Longley presented the item, and Administrative Services Manager John Lollis presented the staff report.

Vice-Chairman Hamilton inquired as to the returns on the fund, which staff estimated was approximately six percent. Staff indicated a memorandum would be provided to the Agency.

AGENCY ACTION: MOVED by Vice-Chairman Hamilton, SECONDED by Agency Member Irish that the Porterville Redevelopment Agency adopt the draft resolution affirming the investment of the City’s pooled monies in the Local Agency Investment Fund (“LAIF”) and designating transaction officers. The motion carried unanimously.

Disposition: Approved.

PRA-2. REDEVELOPMENT AGENCY 2006-2007 BUDGET

Recommendation: That the Porterville Redevelopment Agency:
1. Adopt the proposed Fiscal Year 2006/2007 Redevelopment Agency Budget;
2. Authorize staff to begin negotiations with the County of Tulare for the extension of the loan agreement for entering into a project of mutual benefit;
3. Authorize staff to postpone pursuing Parking District No. 3 until such time as funding becomes available for a new parking project; and
4. Authorize staff to continue developing guidelines for the administration of Business Improvement Area funds by the Redevelopment Advisory Committee.

City Manager/Agency Secretary John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

AGENCY ACTION: MOVED by Vice-Chairman Hamilton, SECONDED by Agency Member West that the Porterville Redevelopment Agency adopt the proposed Fiscal Year 2006/2007 Redevelopment Agency Budget, to be ratified by the new Resolution PRA 2006-04 Council, authorize staff to begin negotiations with the County of Tulare for the extension of the loan agreement for entering into a project of mutual benefit; authorize staff to postpone pursuing Parking District No. 3 until such time as funding becomes available for a new parking project; and authorize staff to continue developing guidelines for the administration of Business Improvement Area funds by the Redevelopment Advisory Committee. The motion carried unanimously.

Disposition: Approved.

Adjourn the Redevelopment Agency Meeting to a meeting of the City Council.

ORAL COMMUNICATIONS
• Dick Eckhoff, Downtown Porterville Association, inquired as to the future plans for downtown parking, ie. repairs, reconstruction, and new parking facilities. City Manager John Longley informed Mr. Eckhoff that no specific program was included in the FY 2006/2007 Budget.

OTHER MATTERS
• Council Member Stadtherr requested that staff provide him via e-mail with the graph included in Item 21.
• Mayor Martinez congratulated the City Attorney on the successful renewal of the Legal Services Agreement.

ADJOURNMENT
The Council adjourned at 10:50 p.m. to the meeting of June 27, 2006.

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Patrice Hildreth, Deputy City Clerk

ATTEST:

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Pedro R. Martinez, Mayor