CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
AUGUST 1, 2006, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pete Martinez, Mayor Pro Tem Felipe Martinez, Mayor Hamilton
Absent: Council Member Stadtherr

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


City Attorney Julia Lew reported that the Council approved the Addendum to Memorandum of Repurchase Option regarding the real property identified as APN 302-390-016.

Documentation: Resolution 93-2006
Disposition: Approved.

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation - a moment of silence was observed.

PROCLAMATION
Kelly Morgan - the presentation was continued until the Meeting of September 15, 2006.

PRESENTATION
Leadership Porterville Class of 2006
• The class members introduced themselves and informed everyone of their upcoming Blood and Bone Marrow Drive, “A Pint for a Pint,” to be scheduled in September; and of their Fund Raising Event, “Family Movie Extravaganza” presenting the Wizard of Oz and other activities, to take place on September 23, 2006 at 3:30 p.m. at the Galaxy Theater.

ORAL COMMUNICATIONS

• Greg Shelton, 888 North Williford Drive, spoke against Item 16, asserting that the timeline outlined in the City’s response to the Grand Jury was problematic. He spoke against the modifications to the Farm Management Agreement, suggesting they were merely a “band-aid,” and spoke in favor of immediately pursuing an RFP.

• Dick Eckhoff, Downtown Porterville Association, 118 North Main Street, spoke in favor of the Council’s approval of the Civic Event proposed in Item 11.

• Cory Hoover, a Hanford resident, spoke favorably of the process in opening his new business in Porterville, thanked staff for their assistance, complimented the Council on its decision to proceed with the Skateboard Park, and offered his help should the need arise.

• John Miller, a Ducor resident, inquired whether the Council had received his correspondence related to the issue of the development activity on Corona Drive. The City Manager informed Mr. Miller that the letter had been received and that a response had been mailed that day.

CONSENT CALENDAR

Item Nos. 11 and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JULY 5, 2006

Recommendation: That the City Council approve the City Council Minutes of July 5, 2006.

Documentation: M.O. 01-080106

Disposition: Approved.

2. TRANSIT ACCOUNT BUDGET ADJUSTMENT

Recommendation: That the City Council approve the budget adjustments to decrease Demand Response, Account No. 20-1180-25 from $560,000 to $410,549; and to increase Fixed Route, Account No. 20-1190-25 from $400,000 to $524,694.

Documentation: M.O. 02-080106

Disposition: Approved.

3. PURCHASE OF LIVE SCAN FINGERPRINT SYSTEM

Recommendation: That the City Council:
1. Authorize the purchasing agent to procure an Identix Live Scan Fingerprint System for use in the Police Department;
2. Authorize staff to submit invoices to Tulare County RAN Board to request reimbursement of funds; and
3. Authorize that when reimbursement is received from the RAN Board, the funds be credited back to the Federal Asset Forfeiture Account (07-2243).

Documentation: M.O. 03-080106
Disposition: Approved.

4. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council authorize the purchase by negotiation of the specialized equipment itemized in the staff report, and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 04-080106
Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS - SINGER BUILDING DEMOLITION PROJECT

Recommendation: That the City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids.

Documentation: M.O. 05-080106
Disposition: Approved.

6. AWARD OF CONTRACT - INDIANA STREET RECONSTRUCTION PROJECT (PUTNAM AVENUE TO OLIVE AVENUE)

Recommendation: That the City Council:
1. Award the Indiana Street Reconstruction Project, Putnam Avenue to Olive Avenue, to Mitch Brown Construction, Inc. in the amount of $850,001.73;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 06-080106
Disposition: Approved.

7. AWARD OF CONTRACT FOR ADMINISTRATIVE SUBCONTRACTOR FOR HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT FOR THE SEQUOIA VILLAGE AT RIVER’S EDGE PROJECT

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with M.E. Shay & Co., the highest rated company, for Administrative Subcontractor services for the 2005 HOME Grant for Sequoia Village at River’s Edge; and if an agreement cannot be negotiated, to allow staff to negotiate with Real Estate Associates for a contract for those services;
2. Authorize the Mayor to sign said contract and any future amendments to the contract; and
3. Authorize staff to make payments, upon satisfactory completion of the contracted work, up to 100%.

Documentation: M.O. 07-080106
Disposition: Approved.

8. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

Recommendation: That the City Council:
1. Approve the submittal of a HOME Investment Partnership Program (HOME) funding application for an amount not to exceed $800,000 ($600,000 for the First Time Homebuyer Program, $100,000 for the Owner Occupied Housing Rehabilitation Program, and $100,000 for Tenant Based Rental Assistance Program) to the California Department of Housing and Community Development;
2. Authorize the Mayor or his designee to execute all documents pertaining to the HOME program; and
3. Authorize the Community Development Director or his designee to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development for administration of the HOME program.

Documentation: Resolution 94-2006
Disposition: Approved.

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

Recommendation: That the City Council:
1. Set a Public Hearing for August 15, 2006 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.

Documentation: M.O. 08-080106
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY - RELAY FOR LIFE BANNER SIGNING

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the American Cancer Society, subject to the Restrictions and Requirements contained in document.
12. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of $36,981,571 for the 2006/2007 Fiscal Year.

Documentation: Resolution 95-2006
Disposition: Approved.

13. PARKS AND LEISURE SERVICES DEPARTMENT REORGANIZATION PLAN AND STAFFING ALLOCATION

Recommendation: That the City Council:
1. Approve the Parks & Leisure Services Department Reorganization Plan; and
2. Approve the draft resolution authorizing the position allocation adjustments for the department.

Documentation: Resolution 96-2006
Disposition: Approved.

15. THIS ITEM WAS REMOVED FROM THE AGENDA.

16. RESPONSE TO GRAND JURY REPORT

Recommendation: That the City Council:
1. Review and approve staff’s response to each of the Grand Jury’s findings and recommendations; and
2. Direct the City Manager to sign and transmit the City’s response to each of the Grand Jury findings and recommendations.

Documentation: M.O. 10-080106
Disposition: Approved.

17. RESPONSE TO GRAND JURY REPORT – VICIOUS ANIMAL POLICIES

Recommendation: That the City Council:
1. Review and approve staff’s response to each of the Grand Jury’s findings and recommendations; and
2. Direct the City Manager to sign and transmit the City’s response to each of the Grand Jury’s findings and recommendations.

Documentation: M.O. 11-080106
Disposition: Approved.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pete Martinez that the Council approve Item Nos 1 through 10, 12, 13, and 16 through 17.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

11. APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION - PORTERVILLE MAIN EVENT - RIDES & WHEELS AND SIDEWALK SALE - SEPT. 30, 2006

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in said document.

At the request of Council Member McCracken, staff offered clarification as to the location of the proposed beer garden.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event M.O. 12-080106 Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in said document.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

14. RESOLUTION ADJUSTING SPORTS COMPLEX SEASONAL PARKING PERMIT FEES AND GENERAL FUND BUDGET REVENUE ESTIMATE

Recommendation: That the City Council adopt the draft resolution adjusting the Sports Complex Seasonal Parking Permit Fees and General Fund Budget Revenue Estimate.

Council Member Pete Martinez voiced opposition to charging a parking fee at the Sports Complex, asserting that the City did not charge a parking fee at any other City facility. He noted that he did see a need to establish a revenue source to payoff the facility, but that it should not come from parking fees.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution adjusting the Resolution 97-2006 Sports Complex Seasonal Parking Permit Fees and General Fund Budget Revenue Estimate.
AYES: McCracken, F. Martinez, Hamilton
NOES: P. Martinez
ABSTAIN: None
ABSENT: Stadtherr

Mayor Hamilton indicated that if Council Member Pete Martinez would like to revisit the item in the future, he was open to that.

Disposition: Approved.

PUBLIC HEARINGS


Recommendation: That the City Council:
1. Hold a public hearing concerning the Ordinance to Disestablish the Business Improvement Area of the City of Porterville;
2. If a majority of the assessed businesses have not protested the disestablishment, the Council may approve and give first reading to the draft Ordinance Disestablishing the Business Improvement Area of the City of Porterville, Proposing to Dispose of Assets Acquired with the Revenues of Assessments Levied within the Business Improvement District, and Repealing Chapter 15, Article IV, “Business Improvement Area,” Sections 15-31 through 15-39, in their Entirety; OR
3. If a majority of the assessed businesses have not protested the disestablishment, notwithstanding this the Council may opt to continue the assessments and keep the District in place or direct that other modifications be initiated; OR
4. If a majority of the assessed businesses do protest the disestablishment, the City Council should take no further action on the proposed disestablishment.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report. Ms. Lew reported that as of 5:30 p.m. that day, of the total 179 businesses within the District, 75 ballots had been returned to the Clerk’s Office, which equated to 41.9% voter turnout. She stated that 57 businesses voted in favor of disestablishment, which represented 76% of those ballots returned; and 18 votes were received against disestablishment, or approximately 24% of those ballots returned. In terms of total membership, Ms. Lew indicated that 31.8% voted in favor of disestablishment, and 10.06% voted against disestablishment. She noted that this was not the final count, and that the opportunity still existed for additional ballots to be turned in prior to the close of the public hearing. She informed everyone that in the event a business owner within the District who had not yet cast a vote was present and wished to weigh in, ballots were available. Ms. Lew then recommended that at the close of the public hearing, the Council recess so as to provide time for the City Clerk and herself to update the data prior to deliberation by the Council.
The continued public hearing re-opened at 7:19 p.m.

- Robert Vanderhorst, business address of 288 North D Street, thanked the Council and staff for their attention and work on the issue. He spoke in favor of disestablishment and commented on the high turnout on the advisory ballot.
- Chris Lewis, Porterville Physical Therapy at 112 North D Street, provided staff with an additional ballot from Dr. Mark Tindall, and spoke in favor of disestablishment of the District.
- Clayton Taylor, Wendy’s Antiques at 32 West Mill Street, spoke in favor of disestablishment and suggested a low voter turnout due to the issue being dragged on.
- Dick Eckhoff, Sierra Trophies at 197 N. Main Street, and Chairman of Downtown Porterville Association, came forward against disestablishment and provided copies of his statement to the Council. He suggested that any discontent in the District was caused by a handful of individuals, and asserted the District should only be disestablished with a petition by the majority of the District.

The public hearing closed at 7:25 p.m.

City Attorney Julia Lew noted that a recess was unnecessary, and that the figures were being updated at that moment to reflect the one additional vote received.

Council Member McCracken spoke of a fifth option, which he indicated was to suspend the BID which would keep infrastructure in place and allow the Council to suspend the assessments until such time as the business owners desired to reinstate them.

Mayor Pro Tem Felipe Martinez commented that the business owners had the opportunity to be heard, and those who wished to be heard were.

Council Member Pete Martinez spoke favorably of efforts of the Downtown Porterville Association and the District. He commented that he understood that only a few businesses carried the financial load for the whole group and suggested that a more fair assessment method should be found. He then agreed with Council Member McCracken’s suggestion to suspend the assessment for a period of time, while keeping the structure of the District in place.

Mayor Hamilton stated that he believed in representative government, and that the people had spoken. He then requested the updated information from the City Attorney.

Ms. Lew reported that the final count consisted of 76 ballots returned out of a possible total of 179 businesses in the District, which she stated comprised a 42.46% voter turnout. Of the 76 ballots, 58 voted in favor of disestablishment, or 77.31% of the ballots returned; and 18 voted against disestablishment, or 23.68% of the ballots returned. In terms of total membership, 32.4% voted in favor of disestablishment, and 10.06% voted against disestablishment.

Mayor Hamilton commented that he could comfortably make a decision that evening with the information provided.

Council Member Pete Martinez suggested that the matter should be held over until a full Council was available.
Mayor Pro Tem Felipe Martinez moved that the Council approve the draft ordinance disestablishing the Business Improvement Area.

Mayor Hamilton stated that normally he would agree that a full Council should be present for consideration of such a significant issue, however he noted that the issue had been known prior to Council Member Stadtherr’s vacation. He spoke in favor of moving forward with the item that evening, unless the remaining Council Members felt otherwise.

Council Member McCracken commented that he did not see an advantage to postponing the Council’s consideration.

Mayor Hamilton seconded Mayor Pro Tem Felipe Martinez’s motion.

A discussion ensued as to Council Member McCracken’s proposed alternative to disestablishment which would suspend the assessment while maintaining the infrastructure. Council Member Pete Martinez reiterated his agreement with the suspension of the assessment. Council Member McCracken commented that he did not feel comfortable with disestablishing the District when only 1/3 of the businesses responded to the ballot. He suggested that the main intent of those in favor of disestablishment was to eliminate the tax, not the structure.

Mayor Pro Tem Felipe Martinez commented that he believed that the people had spoken, and noted that the voter turnout on the advisory ballot was better than the voter turnout for the June 6th City Council election. He pointed out that if one used Council Member McCracken’s line of reasoning, two of the Council Members would not be sitting on the dias that evening.

City Attorney Julia Lew clarified that if the Council decided to move forward with the proposed alternative course of action, she recommended that the assessment remain in place, however collection could be waived for a set amount of time. She stated that an Ordinance could be brought back for the Council’s consideration, but that another public hearing would not be required. Ms. Lew then reviewed the process that would be required for the various options before the Council.

Mayor Hamilton commented that he had heard what the people said, and felt comfortable with making a decision that evening. He then suggested, and the Council concurred, that the public hearing be re-opened to hear commentary on the suggested alternative to disestablishment.

The public hearing re-opened at 7:43 p.m.

• Greg Shelton, address on record, spoke in favor of disestablishment and against suspending collection of the assessment, noting that an overwhelming majority voted to disestablish the District.
• Robert Vanderhorst, address on record, spoke in favor of the Council taking action on the item that evening, and noted that the turnout on the advisory ballot was better than that of the City Council’s election in June. Mr. Vanderhorst spoke against Council Member McCracken’s proposed alternative, and requested that the Council vote to disestablish that evening, pointing out that the assessment that had just been collected would then be returned.
• Chris Lewis, Porterville Physical Therapy, address on record, requested that the Council vote to disestablish the District, noting the lengthy duration and contention of the issue.
• Dick Eckhoff, Chairman of the Downtown Porterville Association, address on record, voiced support for Council Member McCracken’s suggested alternative, and confirmed with staff that the fees that had just been collected would be refunded in the event the Council chose to suspend the District’s collection of the assessment. Mr. Eckhoff spoke of the difficulty in re-establishing the District in the future, and the ease at which a suspended District would be un-suspended. He suggested many business owners were not familiar with the District, nor its benefits, and warned of the consequences on the Downtown area if it was disestablished. Mr. Eckhoff then stated that while the Council should consider what the people has said, it should also consider what was best for the future of the community.
• Clayton Taylor, Wendy’s Antiques, address on record, spoke in favor of disestablishment of the District, and questioned why City staff needed to be involved in the matter. He suggested that if the business owners so chose, they could pursue another organization such as “The Heart of Porterville” as it had in the past.
• John Miller, a Ducor resident, questioned whether the establishment of the District allowed the City to qualify for certain grants. Mr. Miller was informed that no grants had been received and that all funds were self-generated. He then commented that if there was no other benefit for the District, the decision should be up to the business owners.

The public hearing closed at 8:00 p.m.

A discussion ensued as to the impetus of the District, during which Mr. Longley indicated that it was initially a Main Street Porterville program.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Mayor Hamilton that the City Council approve the draft Ordinance Disestablishing the Business Improvement Area of the City of Porterville, give first reading, and order the Ordinance to print, being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DISESTABLISHING THE BUSINESS IMPROVEMENT AREA OF THE CITY OF PORTERVILLE, PROPOSING TO DISPOSE OF ASSETS ACQUIRE WITH THE REVENUES OF ASSESSMENTS LEVIED WITHIN THE BUSINESS IMPROVEMENT DISTRICT, AND REPEALING CHAPTER 15, ARTICLE IV, “BUSINESS IMPROVEMENT AREA,” SECTIONS 15-31 THROUGH 15-39, IN THEIR ENTIRETY.

AYES: P. Martinez, F. Martinez, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: Stadtherr

City Manager read the Ordinance by title only.

Disposition: Approved.
19. CONDITIONAL USE PERMIT 3-2006 (DOUG RYAN & DAVID MAKSOUDIAN)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 3-2006.

Mayor Hamilton noted a conflict of interest, recused himself from the discussion, and left the Council Chambers.

Council Member McCracken clarified with staff that his residence was outside of the 300 foot radius and therefore he need not recuse himself.

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

The public hearing opened at 8:10 p.m.

• Donna Shamley, Roberts Engineering at 342 N. 2nd Street, came forward on behalf of the applicant and requested that the Council approve the item.

The public hearing closed at 8:11 p.m.

Council Member McCracken noted that with only three Council Members remaining on the dias, the item would require a unanimous vote for approval. He suggested that the applicant be given the opportunity to continue the item until Council Member Stadtherr was available.

• Ms. Shamley came forward and indicated the applicant’s desire to proceed that evening.

City Attorney Julia Lew clarified that in the event three affirmative votes were not received on the item, it would technically fail. She indicated that the item would need to be brought back for Council’s consideration through the standard reconsideration procedure.

Council Member Pete Martinez spoke of the need for promoting more outside family activities, and questioned whether amenities for children had been included. A discussion ensued, during which Mr. Dunlap pointed out that the plan provided for a few open space areas, which exceeded the City’s requirement. Council Member Martinez spoke in favor of the inclusion of a picnic area or playground, and suggested that bicycle racks should also be considered. He then inquired as to why the disabled parking lacked covering, while other spaces provided for it.

• Ms. Shamley came forward and indicated that the covered parking had been provided pursuant to City standards, and that the disabled spaces could also be covered. She noted, however, that because covering the spaces required additional square footage, a space might be lost. Ms. Shamley pointed out that even if a disabled space was eliminated, the project would still meet the required amount.

Council Member McCracken voiced support for Council Member Pete Martinez’s suggestions, noting that while he would like to also see playground equipment, the maintenance on such equipment would be burdensome for the owner.
Council Member Pete Martinez moved that the Council approve the draft resolution approving Conditional Use Permit 3-2006, as amended to require the installation of bicycle racks, a picnic table, and covered disabled parking. Council Member Martinez then clarified that staff would decide how many bicycle racks would be sufficient.

Mr. Dunlap clarified that the revised conditions in the resolution would read as follows:

*Condition No. 34.* That the two 3,200 square foot areas be landscaped to provide for play areas for children to include bicycle racks and picnic table to be approved by the Community Development Director.

*Condition No. 37.* That carport structures over all disabled parking spaces be provided.

**COUNCIL ACTION:** MOVED by Council Member Pete Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving Resolution 98-2006 Conditional Use Permit 3-2006, as amended to require bicycle racks and picnic table in play areas, to be approved by staff, and carport structures over all disabled parking spaces.

**AYES:** McCracken, P. Martinez, F. Martinez, Hamilton

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Stadtherr

Disposition: Approved, as amended.

The Council recessed for ten minutes.

20. **ROYAL OAKS VIEW VESTING TENTATIVE SUBDIVISION MAP (ENNIS HOMES, PACIFIC HOLT CORPORATION, LANDMARK)**

**Recommendation:** That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Royal Oaks View Vesting Tentative Subdivision Map; and

2. Adopt the draft resolution approving Royal Oaks View Vesting Tentative Subdivision Map.

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

The public hearing opened at 8:42 p.m.

• Ken Valley, Landmark Engineering of Bakersfield, came forward on behalf of the applicant and spoke in favor of the Council’s approval.
• Sue Lafferty, Ennis Development at 643 N. Westwood Street, thanked staff for their assistance with the item, voiced agreement with staff’s recommended conditions, and requested that the Council approve the requested Vesting Tentative Subdivision Map.
• John Miller, a Ducor resident, spoke against the proposed Map, citing environmental concerns, specifically air quality impacts. He also suggested that the proposed pocket park was too small and voiced concern with the impact on local roads.

The public hearing closed at 8:50 p.m.

A brief discussion ensued as to the difference between a typical Tentative Subdivision Map and a Vesting Tentative Subdivision Map. Standards for trees and mailboxes were also discussed.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution approving Resolution 99-2006 the Negative Declaration for Royal Oaks View Vesting Tentative Resolution 100-2006 Subdivision Map; and adopt the draft resolution approving Royal Oaks View Vesting Tentative Subdivision Map.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

21. RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT

Recommendation: That the City Council:
1. Adopt the draft resolution certifying the Final EIR; and
2. Continue the public hearing to consider adoption of the draft resolution approving CUP 4-2006 to amend the Specific Plan for the Viejo Robles Planned Development as proposed, permit construction of an indoor building materials retailer, and to permit the sale of alcoholic beverages under an on-sale license at a restaurant with separate bar area to the date of August 15, 2006.

City Manager John Longley noted that he resided within 300 feet of the subject property, and excused himself from the Council Chambers.

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

The public hearing opened at 9:02 p.m.

• Shatik Salamor, CEI Engineering Associates, Inc. of Fresno, thanked staff for their assistance in the process, and spoke in favor of certification of the EIR that evening.
John Miller, a Ducor resident, presented correspondence to the Council, and spoke against approval of the item, citing concerns with traffic, particularly related to the Jaye Street bridge, and the associated costs of widening said bridge. Mr. Miller also voiced concerns with safety issues related to children, noise issues, tenanting issues, and the depletion of farm land in the City. Staff elaborated on the timeline for the widening project and indicated that Federal grant monies would fund the majority of the project.

The public hearing closed at 9:11 p.m.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution certifying the Final EIR; and continue the public hearing to consider adoption of the draft resolution approving CUP 4-2006 to amend the Specific Plan for the Viejo Robles Planned Development as proposed, permit construction of an indoor building materials retailer, and to permit the sale of alcoholic beverages under an on-sale license at a restaurant with separate bar area to the date of August 15, 2006.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved, with public hearing continued to August 15, 2006.

22. ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE BUS MAINTENANCE FACILITY EXPANSION PROJECT

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the City of Porterville Bus Maintenance Facility Expansion Project.

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

The public hearing opened at 9:17 p.m. and closed at 9:18 p.m. when nobody came forward.

Mayor Hamilton confirmed with staff that the design was likely solar compatible in the event the City wished to move in that direction in the future.

COUNCIL ACTION: MOVED by Council Member Pete Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution approving the Mitigated Negative Declaration for the City of Porterville Bus Maintenance Facility Expansion Project.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr
SCHEDULED MATTERS

23. CONSIDERATION OF DONATING AUTOMOBILES REPLACED BY GRANT FUNDED HYBRIDS TO LA BARCA, MEXICO (PORTERVILLE’S SISTER CITY)

Recommendation: That the City Council provide direction to staff.

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

Council Member Pete Martinez spoke of La Barca’s need, particularly in law enforcement, for the vehicles.

In response to a question posed by Mayor Hamilton, staff indicated that vehicles of the Building Official and City Manager were due to be replaced with Hybrid vehicles, along with a totaled police vehicle.

Mr. Longley clarified that the staff recommendation was to approve a program for donating every vehicle replaced by grant funded hybrids to La Barca, Mexico.

COUNCIL ACTION:

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pete Martinez that the Council authorize the donations of surplus staff automobiles replaced by grant funded hybrids to La Barca, Mexico, contingent on staff receiving written documentation that said donation will not violate the terms of any applicable grants.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

24. CONSIDERATION OF QUARTERLY IMPROVEMENT AWARDS

Recommendation: That the City Council provide direction to staff.

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

Mayor Hamilton indicated that he had brought the item forward and spoke of his desire to award local individuals for improving their properties. A discussion ensued as to guidelines, during which it was decided to seek sample policies from other cities.

Council Member Pete Martinez spoke in favor of pursuing the item. It was decided to refer the matter to the Parks & Leisure Services Commission to establish some guidelines for the program.

Disposition: Referred to the Parks & Leisure Services Commission.

It was decided to present Item Nos. 25 and 26 concurrently.
25. QUARTERLY PORTFOLIO SUMMARY

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

26. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the Interim Financial Status Reports as presented.

City Manager John Longley presented the items, and Administrative Services Manager John Lollis presented the staff reports.

Mayor Hamilton noted that the Certificate of Deposit appeared to offer a better return, and questioned why so much of the funds were in the Federal Home Loan Bank. Mr. Longley indicated that at the time of investment, the Federal Home Loan Bank was the best instrument. He noted that the rates appeared to be catching up and that a cancellation policy likely existed. Mr. Longley indicated that an analysis and memorandum would be provided to the Council.

Mr. Lollis added that a Certificate of Deposit was recently purchased at 6%, although the market was beginning to come down. A brief discussion ensued as to various funds.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pete Martinez that the City Council accept the Quarterly Portfolio M.O. 14-080106 Summary in accordance with SB 564 and SB 866; and accept the Interim Financial Status Reports as presented.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: Stadtherr

Disposition: Approved.

ORAL COMMUNICATIONS

• Greg Shelton, address on record, 1) spoke in favor of the P&L Services Commission’s involvement in Item 24; and 2) voiced concern with the status quo of the Farming Operation and requested the Council’s immediate action toward pursuing an RFP.

OTHER MATTERS

• Council Member McCracken inquired whether a report on the Council’s recent trip to Monterey was necessary. City Attorney Julia Lew confirmed that pursuant to the new regulations, a report should be provided.
• John Longley reported that he and four of the Council Members attended the “Mayors and Council Members’ Academy” held in Monterey on July 26th through July 28th. He spoke of the Academy’s curriculum, which he stated included training in AB1234, the new State legislation pertaining to ethics.
• Mayor Hamilton voiced an interest in the Council taking a position on Proposition 90.
• Council Member Pete Martinez spoke of the upcoming reception for the Sister City Association to take place in Porterville in August.
• Mayor Pro Tem Felipe Martinez requested that staff prepare an item for the next Agenda to consider re-paving/reconstructing Olive Avenue from Main Street to Route 65.

**ADJOURNMENT**

The Council adjourned at 9:42 p.m. to the meeting of August 8, 2006.

ATTEST:

________________________________________
Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor