Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived late), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None.

CLOSED SESSION:
A. Closed Session Pursuant to:
3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
4- 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 no action had taken place.

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation – one individual participated.

PROCLAMATION
“Public Schools’ Month” - April 2007
“Community Development Week” - April 9-15, 2007
“Iris Festival Day” - April 28, 2007

PRESENTATION
• Employee of the Month - Ted Williams
• County General Plan Update Presentation – Theresa Szymanis, Tulare County Local Agency Formation Commission
• CAFR

ORAL COMMUNICATIONS
• Boyd K. Leavitt, 457 East Oak Avenue, voiced concern with commercial vehicles parking in residential areas, citing 160 Esther Street as an example. He requested that the Council address the issues of off-street parking and business licensing for trucking
companies, and spoke of the negative impact the parking of commercial vehicles in residential areas had on property values.

- Rodney Martin, 146 South Villa, came forward and requested that he have the opportunity to speak when the Council considered Item No. 21.
- Donnette Silva Carter, Porterville Chamber of Commerce, 93 North Main Street, invited everyone to “Music on Main Street” on Friday, April 6th at Centennial Plaza.
- Greg Woodard, 1055 West Morton Avenue, requested that he have the opportunity to speak when the Council considered Item No. 21.
- Dick Eckhoff, Downtown Porterville Association, 197 North Main Street, 1) spoke in favor of, and commended Ms. Silva Carter for, the Chamber’s efforts on “Music on Main Street”; 2) voiced support for Item No. 3; 3) spoke of a “Memories of Yesterday Zalud House Winetasting” event to be held at the Zalud House on May 12th, from 5:00 p.m. to 8:00 p.m., and encouraged everyone to support the fundraising event; 4) agreed with Mr. Leavitt’s concerns regarding the parking of commercial vehicles throughout Porterville, citing The Home Depot location as an example; and 5) requested the opportunity to speak when the Council considered Item No. 22.
- Justin Barnett, a Visalia resident, indicated he would like to discuss a possible lease of the motocross track; and thanked the Council for its assistance with the Toys For Tots Toy Drive in 2006.

Council Member Pedro Martinez clarified with Police Chief McMillan that the parking of commercial vehicles in residential areas was already prohibited pursuant to current provisions in the Municipal Code. Chief McMillan indicated that the Police Department had stepped up enforcement of such violations and that he would follow-up on the potential violation on Esther Street cited by Mr. Leavitt.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF OCTOBER 26, 2006 AND FEBRUARY 20, 2007

Recommendation: That the City Council approve the City Council Minutes of October 26, 2006 and February 20, 2007.

Documentation: M.O. 01-040307
Disposition: Approved.

2. BUDGET ADJUSTMENT FOR THE 2006-2007 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustment, and authorize staff to modify revenue and expenditure estimates as described in the schedule attached to the staff report.

Documentation: M.O. 02-040307
Disposition: Approved.
3. AUTHORIZATION TO PROCEED WITH REQUEST FOR PROPOSALS TO DESIGN AND INSTALL PUBLIC SOUND SYSTEM FOR CENTENNIAL PLAZA AND MAIN STREET

Recommendation: That the City Council authorize staff to proceed with a Request for Proposals to design and install the sound system for Centennial Plaza and Main Street.

Documentation: M.O. 03-040307
Disposition: Approved.

4. AUTHORIZATION TO PROCEED WITH REQUEST FOR PROPOSALS FOR BANKING SERVICES

Recommendation: That the City Council authorize staff to proceed with a Request for Proposal (RFP) for Banking Services.

Documentation: M.O. 04-040307
Disposition: Approved.

5. EXPANSION OF CONTRACT FOR PLANNING SERVICES

Recommendation: That the City Council:
1. Authorize staff to amend the contract with Provost & Pritchard for an additional amount not to exceed $3,500 per month; and
2. Authorize the Mayor to sign all necessary documents.

Documentation: M.O. 05-040307
Disposition: Approved.

6. ACCEPTANCE OF DONATION OF CENTENNIAL PLAZA REFUSE BIN ENCLOSURE

Recommendation: That the City Council accept the offer from Ennis Commercial Properties, LLC for the construction and donation of a refuse bin enclosure at Centennial Plaza.

Documentation: M.O. 06-040307
Disposition: Approved.

7. PORTERVILLE PACIFIC ASSOCIATES PAYMENT-IN-LIEU OF TAXES AGREEMENT FOR SEQUOIA VILLAGE AT RIVER’S EDGE MULTIFAMILY DEVELOPMENT

Recommendation: That the City Council:
1. Approve the draft resolution to enter into a Payment-In-Lieu of Taxes Agreement with Porterville Pacific Associates for the Sequoia Village at River’s Edge development; and
2. Authorize the Mayor to execute said Agreement.
8. REQUEST FOR A SIX (6) MONTH EXTENSION OF TIME FOR ONE (1) TEMPORARY MODULAR STRUCTURE TO BE UTILIZED AS A SALES OFFICE (SIERRA ESTATES, FORMERLY KNOWN AS NORTH GATE ESTATES)

Recommendation: That the City Council adopt the draft resolution and conditions of approval for a six (6) month extension of time for the temporary modular structure for a period of time expiring on September 19, 2007 or until the model homes open, whichever occurs first.

Documentation: Resolution 18-2007
Disposition: Approved.
12. AUTHORIZATION TO APPLY FOR FAA GRANT FOR AIRPORT ELECTRICAL WORK

Recommendation: The annual allocation amount is $150,000. To preserve this amount, it is recommended that the City be authorized to apply for $100,000 in the study and design portions, and $50,000 for early implementation of any aspect of the outlined scope of work.

Documentation: M.O. 09-040307
Disposition: Approved.

13. ASSIGN AIRPORT LEASE – LOT 33

Recommendation: That the City Council approve the assigning of the Lease Agreement for Airport Hangar Lot 33 between the City of Porterville and Dr. Westel L. Creager to James Costa.

Documentation: M.O. 10-040307
Disposition: Approved.

14. CONSIDERATION OF AMENDMENT TO SCOPE OF WORK OF FRANCHISE COMPLIANCE/RENEWAL OF CONSULTANT

Recommendation: That the City Council:
1. Authorize staff to expand the franchise fee audit by Communications Support Group, Inc., to include the 2006 calendar year at a cost of $8,500, and authorize the execution of any and all documents necessary to effect the scope of services; and
2. Authorize a necessary budget adjustment of $8,500 from unallocated General Fund reserves to the City Council’s Professional Services Account.

Documentation: M.O. 11-040307
Disposition: Approved.

14A. BIO-SOLIDS ANNUAL MANAGEMENT AND DISPOSAL CONTRACT

Recommendation: That the City Council approve appropriating $300,000 from the Wastewater Capital Reserve fund to be added to the 2006/2007 Budget for the disposal of the City’s bio-solids.

Documentation: M.O. 12-040307
Disposition: Approved.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council approve Item Nos. 1 through 14a. The motion carried unanimously.

PUBLIC HEARINGS

15. CONDITIONAL USE PERMIT 1-2007 – PROPOSED FAMILY PIZZERIA/ARCADE TO BE LOCATED AT 45 NORTH SECOND STREET (FORMERLY THE POLICE PAL BUILDING)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 1-2007 subject to conditions of approval.

City Manager John Longley presented the item, and called on Community Development Director Brad Dunlap for the report. Acting Associate Planner Jose Ortiz came forward and provided the staff report.

Mayor Hamilton consulted the City Attorney as to a potential conflict of interest due to the ownership of property in the vicinity by his family. Ms. Lew clarified that an actual conflict did not exist and that the Mayor need not recuse himself.

A discussion ensued as to the necessity of the street lamps required in Condition 10. Public Works Director Baldo Rodriguez indicated that the City Engineer wanted to again analyze the street lamp requirement at the subject location. Mr. Rodriguez elaborated on the City’s policy with regard to street lamps. It was then clarified that Condition 16 did not require the applicant to build a trash enclosure.

Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez voiced support for continuing the public hearing to allow for the City Engineer to make a determination with regard to the street lamps.

The public hearing opened at 8:13 p.m.

- Pat Mena, 22660 Avenue 178, applicant, came forward at the Council’s request and spoke in favor of approval. He then spoke against the proposed conditions pertaining to requiring street lamps, a trash enclosure, and ADA improvements, suggesting that said conditions, particularly the street lamps, would be financially burdensome. At the request of the Council, Mr. Mena provided renderings of the proposed exterior of the building.
- Joe Ruiz, Jr., came forward as Bank Security Officer for Bank of the Sierra, 80-86 North Main Street, and spoke against the proposed CUP, voicing concern with the safety of bank employees. Mr. Ruiz spoke of vandalism and criminal activities in the vicinity when the subject building had been occupied by P.A.L.
- Dick Eckhoff, address on record, spoke in favor of the proposed business; noted the expenses in opening a business; spoke in favor of continuing the item until the street lamp requirement was determined; inquired as to the documented criminal activities at P.A.L.; and voiced support for maintaining consistency with the nostalgic lamps in the event additional street lamps were required.
The public hearing closed at 8:21 p.m.

The Council confirmed that the applicant could wait an additional two weeks to allow for further study.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council adopt the draft resolution approving Resolution 20-2007 Conditional Use Permit 1-2007 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved.

16. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS LAND DEVELOPMENT, INC.)

Recommendation: That the City Council continue the Item to the April 17, 2007 City Council Meeting.

City Manager John Longley presented the item, indicating that the applicant had again requested a continuance to the Meeting of April 17, 2007.

Disposition: Continued to the Meeting of April 17, 2007.

17. ORDINANCE PERTAINING TO THE REGULATION OF SQUATTER CAMPS

Recommendation: That the City Council hold the public hearing and consider public comment concerning the proposed regulations; approve and give First Reading to the proposed ordinance; and order it to print.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report. Ms. Lew noted that the proposed ordinance required two minor revisions: 1) The reference to “City of Tulare” in Section 18-77(b) should be changed to “City of Porterville”; and 2) “...and without express permission from the property owner” should be added to the end of the last sentence in Section 18-77(b).

The public hearing opened at 8:26 p.m.

• Dick Eckhoff, address on record, spoke of the homeless issue; clarified various provisions with the City Attorney; and spoke in favor of the proposed ordinance.

The public hearing closed at 8:31 p.m.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve and give First Reading to the
Ordinance 1719 proposed ordinance; and order the ordinance to print, being AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ADDING ARTICLE VII, SECTIONS 18-76 THROUGH
18-83 TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE
PERTAINING TO THE REGULATION OF SQUATTER CAMPS. The
motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS

18. NUISANCE ABATEMENT ALONG RIVER AND OTHER PRIVATE PROPERTIES

Recommendation: As directed by Council.

City Manager John Longley presented the item, and Acting Deputy City Manager John Lollis
presented the staff report, which included two options for the Council’s consideration:

Option No. 1: Pursuant to Municipal Code Section 18-26, the City could require private
property owners to abate the nuisance. After a 90-day period, the City could
declare the private property a public nuisance, and through court action, the
City could either require the owner to abate the nuisance, or the City could
abate and recoup costs from the owner.

Option No. 2: In cases in which the private property owners with squatters have clearly
expressed their desire to have the transients and their personal belongings
removed, the City could require that the transients leave and allow a reasonable
amount of time for the removal of the items left behind. The City could then,
with the owner’s consent, enter the property, confiscate the items, retain said
items for a reasonable time with notice to the affected transients, then discard.

In response to questions posed by the Council, Ms. Lew elaborated on the options before the
Council.

Council Member Pedro Martinez voiced support for approving Option No. 1.

Council Member Hernandez spoke of the importance of restoring the river bed to its natural
state, and voiced support for moving forward. He then moved that the Council approve Option No. 1.

Council Member Pedro Martinez seconded the motion.

In response to a question posed by Mayor Hamilton, a brief discussion ensued as to whether a
404 Permit from Fish & Game would be required to operate machinery in the river bed during the
cleanup. Public Works Director Baldo Rodriguez indicated that staff’s intent was to work with the
Irrigation District utilizing its permit. Staff was to follow up with the Irrigation District with regard to the permit.

City Attorney Julia Lew clarified that the City might not need to wait the 90 days, since the property owners were cooperating with the City, stating that the property owner could consent to the declaration.

City Manager clarified that the Council’s intent was to make the Tule River Cleanup Project a Freeze Relief Project.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve Option No. 1, and identify the project as a Freeze Relief Project. The motion carried unanimously.

Disposition: Option No. 1 approved.

19. REGULATIONS ESTABLISHING AN ADMINISTRATIVE CODE ENFORCEMENT PROGRAM

Recommendation: That the City Council consider the proposed ordinance, provide further direction, and schedule a public hearing for a subsequent meeting to consider the Code Enforcement Program and the proposed ordinance.

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

After some discussion as to various provisions in the proposed program, the Council directed staff to schedule a public hearing for April 17, 2007 to consider the Code Enforcement Program and the proposed ordinance.


20. CONSIDERATION OF HAYES FIELD CONCESSION LICENSE AGREEMENT WITH THE PORTERVILLE AMATEUR YOUTH SOFTBALL ASSOCIATION

Recommendation: That the City Council approve the Hayes Field Concession License Agreement between the Porterville Amateur Youth Softball Association and the City of Porterville, and determine if the hourly fee is to be included and charged, or not.

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

Council Member Hernandez thanked the Council for continuing the item and allowing him the opportunity to take part in the discussion.
Council Member Pedro Martinez noted that the issues had been remedied, and commented that he did not believe the proposed fee was excessive, suggesting that PAYSA would receive the first right to sell concessions at all events taking place at Hayes Field. He then moved that the Council approve the Agreement, with the proposed hourly fee.

Mayor Pro Tem Felipe Martinez seconded the motion.

Mayor Hamilton spoke of his discussions with PAYSA representatives, and stated that he too did not believe the proposed fee was excessive, yet also noted that the City had been fairly lenient as to other City fees. He stated that he was comfortable with either way the Council decided to go.

After a brief discussion of fees and an acknowledgment of the work conducted by PAYSA at Hayes Field, Council Member Pedro Martinez withdrew his motion. He then proposed that the License Agreement be approved, that the fee be waived for the current year, and that the term be amended to terminate on September 1, 2007.

Mayor Pro Tem Felipe Martinez noted that Hayes Field was primarily a drainage basin, and that its secondary use was for recreation.

Mayor Hamilton commented that during the budgetary process, staff might look into the possibility of making Hayes Field a full-time ball field.

Council Member McCracken inquired as to whether volunteer efforts would be the basis by which future decisions were made with regard to fees. Council Member Pedro Martinez indicated that his decision to waive the fee had been based on the fact that PAYSA had come forward in good faith, and that a misunderstanding had taken place with regard to what would be expected of them. It was clarified that under the License Agreement, PAYSA would have the exclusive right for concessions during the softball season, which ran through September 1, 2007.

COUNCIL ACTION:

MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve the Hayes Field Concession License Agreement between the Porterville Amateur Youth Softball Association and the City of Porterville, as amended with the fee waived and the term revised to terminate on September 1, 2007.

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

Disposition: Approved.

21. REQUEST FROM PORTERVILLE CHAMBER OF COMMERCE FOR A PARTNERSHIP FINANCIAL INVESTMENT OF $10,000

Recommendation: If the Council determines to approve the request, $10,000 should be budgeted from non-allocated reserve monies for the purpose.
City Manager John Longley presented the item and staff report.

- Greg Woodard, address on record, came forward and spoke in favor of the Council’s approval of the Chamber’s request for $10,000. He spoke of the vision and the efforts to date of the Economic Development Committee.
- Rodney Martin, 146 South Villa Street, came forward as both Administrator for the Tule River Tribe and Porterville resident, and spoke in favor of the Council’s support of the item. He commented on the Tribe’s recognition of the benefits of the Chamber’s request and of the Tribe’s participation in the program. He spoke of the unfavorable view many individuals had of Porterville and of the need to change that perception.

Council Member Pedro Martinez moved that the Council approve the City’s participation in the program and fund the requested $10,000.

Mayor Pro Tem Felipe Martinez seconded the motion.

In response to Council Member McCracken’s inquiry, Chamber of Commerce President and CEO Donnette Silva Carter came forward and indicated that the following organizations were participating in the program: Tule River Tribal Council – $10,000; Community Civic Foundation – $10,000; Woodard Homes – $10,000; Sierra View District Hospital – $10,000; Porterville Recorder – $5,000; Anonymous contribution – $10,000; Chamber of Commerce – $10,000; Subway Sandwiches – amount to be determined; and others pending.

Mayor Hamilton voiced support for the concept and commented on the difficulty in moving from concept to implementation. A brief discussion ensued during which the Council Members voiced support for the project, and thanked Mr. Woodard for his efforts.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the request by the Porterville Chamber of Commerce’s Economic Development Committee for $10,000, to be paid from non-allocated reserve monies. The motion carried unanimously.

**Disposition:** Approved.

22. CITY FLAG

**Recommendation:** That the City Council:

1. Determine which design shall be designated as the art work to be finalized for preparation of the official City flag;
2. Determine that the City flag rules shall be consistent with the U.S. flag rules, only modified to address City regulations or event;
3. Designate the Mayor as the person to make decisions relating to lowering the City flag and approving requests for its use; and
4. Direct the committee to obtain bids and make an award for the preparation of two City flags. Said award shall be no more than $1,000,
unless further authorization is received from the City Council, and shall be charged against unallocated General Fund reserves.

City Manager John Longley presented the item, and called on Administrative Analyst II Linda Clark for the staff report.

Mayor Pro Tem Felipe Martinez moved that the Council approve staff’s recommendation, designating Design No. 3, and striking the requirement for further Council approval in the event the cost of flag preparation exceeded the estimated $1,000.

Council Member Pedro Martinez seconded the motion.

- Dick Eckhoff, address on record, spoke against the proposed designs, taking issue with the color scheme. He instead recommended that the Council wait until such time as the branding consultant made its recommendations, as was discussed in the previous item.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council designate Design No. 3 as the artwork to be finalized for preparation of the official City flag; determine that the City flag rules shall be consistent with the U.S. flag rules, only modified to address City regulations or event; designate the Mayor as the person to make decisions relating to lowering the City flag and approving requests for its use; and direct the committee to obtain bids and make an award for the preparation of two City flags, at an estimated amount of $1,000, to be charged against unallocated General Fund reserves. The motion carried unanimously.

Disposition: Approved.

23. CONSIDERATION OF RE-ESTABLISHMENT OF A PLANNING COMMISSION

Recommendation: That the Council consider the information presented and direct staff accordingly.

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

Council Member McCracken spoke of the pros and cons of re-establishing the Planning Commission, and agreed with Mr. Dunlap’s contention that the Commission could become political in nature. He suggested that the topic warranted much discussion and serious consideration by the Council.

Council Member Pedro Martinez spoke in favor of holding a public hearing on the topic so that those who would be directly affected by the action, such as developers, could be heard. Mayor Hamilton commented that a public hearing might invite political influence on the matter.

Mayor Pro Tem Felipe Martinez commented that Porterville would continue to grow and that the Council should consider moving forward with a Planning Commission. A discussion ensued as to the political nature of Planning Commissions in other local cities.
Mayor Hamilton commented that he currently believed that the negatives outweighed the positives on re-establishing the Planning Commission, yet stated that he would be open to looking at the item further in a study session.

A discussion ensued during which Council Member McCracken espoused the benefits of a Planning Commission, suggesting that with the Commission’s assistance on a significant portion of planning items, the Council would be available to tackle other issues facing the City.

Council Member Pedro Martinez moved that the Council direct staff to schedule a study session.

Mayor Pro Tem Felipe Martinez seconded the motion.

A discussion ensued as to when the Council was available to attend the study session. The Council acknowledged the potential impact on the budget and confirmed with Mr. Dunlap that staff would not require excessive time to prepare the staff report, as the report currently before them was comprehensive. The Council decided that April 27, 2007 at 10:00 a.m. would be appropriate.

The Council clarified with the City Attorney that a vote was not necessary to set a study session.

Disposition: Study Session scheduled for 10:00 a.m on April 27, 2007.

ORAL COMMUNICATIONS

None

OTHER MATTERS

• Council Member Hernandez spoke of the Mayor’s Conference on At Risk Youth that he recently attended in Miami, Florida, and informed everyone of the useful information gleaned from the Conference.

• Council Member Pedro Martinez:
  1. Requested that the Council recognize the female wrestler from Granite Hills with either a letter or a Proclamation;
  2. Requested that the Council send congratulatory letters to the Spirit of Freedom award recipients. It was stated that the letters had already been drafted.
  3. Updated the Council on progress with the Softball Fundraiser with the City of Tulare, and encouraged the Council Members to seek event sponsors.

• Mayor Pro Tem Felipe Martinez:
  1. Thanked Ms. Velasquez for participating in the Board of Supervisor’s public hearing regarding the County’s proposed closure of its clinic in Porterville;
  2. Requested that the Council direct the Parks & Leisure Services Commission to bring revisit the issue of a beautification award program. It was stated that the item would be placed on the next Council Agenda.
  3. Spoke of the Child Within Cook-off event that took place the previous weekend, and congratulated Council Member McCracken for his second place finish for his apple meatloaf.

• Council Member Hernandez reminded everyone of the 100% Attendance BBQ to take place on Thursday at the Airport.
• Council Member Pedro Martinez:
  1. Reminded everyone of the San Joaquin Water Forum to take place in Visalia on Friday; and
  2. Spoke of a new dentist in Porterville, Nina Joshi, DDS, and of her interest in civic involvement;
• Mayor Pro Tem Felipe Martinez spoke of his recent meeting with Governor Schwarzenegger regarding the freeze, and stated that some of the Governor’s staff would be in Porterville on Wednesday, April 11th to discuss the efforts.
• Mayor Hamilton requested that two additional monitors be provided on the dias for the Commissioners. Mr. Longley indicated that the IT Department would look into the matter.

ADJOURNMENT
The Council adjourned at 10:28 p.m. to the meeting of April 17, 2007.

Patrice Hildreth, Deputy City Clerk

SEAL

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Cameron Hamilton, Mayor