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

ORAL COMMUNICATIONS

- Ben Harvey, South Ohio, voiced concern with loud music emanating from vehicles, and urged the Council to adopt a noise ordinance, and then enforce it.

CLOSED SESSION:
A. Closed Session Pursuant to:
3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
4- Closed Session Pursuant to Government Code § 54957 - Public Employee Performance Evaluation (Follow-Up) - Title: City Manager

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had been taken.

(Council Member Pedro Martinez was excused from the Council Meeting to make a presentation to AVID. He returned to the Meeting and took his place on the dais at 7:46 p.m.)

Pledge of Allegiance Led by the Council Member McCracken
Invocation - a Moment of Silence was observed.

PROCLAMATION
“Freedom Days” - June 14 - July 4, 2007

PRESENTATION
Employee Service Awards
City Manager’s Featured Projects for May 2007
- Completion of Wall of Fame
  A presentation was made to the families of Ms. Carmen Martinez-Eoff and Mr. Frank “Buck” Shaffer, the first two honorees on the Wall of Fame.
- Adoption of Subdivision Ordinance
ORAL COMMUNICATIONS

• Linda Morton, 617 So. Plano Street, requested that the City address graffiti and litter at the Plano Street Bridge, and suggested that the litter might be hazardous waste.
• Skip Marquez, 377 So. Howard, spoke of his planned restaurant “The Three Amigos,” noting that the C.U.P. would be before the Council on June 5th. He requested that he and his partners be allowed to phase in the conditions pertaining to the parking requirements as set forth in the C.U.P. He then spoke of the looming deadline with the ABC regarding their liquor license, and requested some assistance with expediting the “zoning affidavit.”

CONSENT CALENDAR

Item No. 8 was removed for further discussion.

1. CITY COUNCIL MINUTES OF JANUARY 5, 2007; APRIL 3, 2007; APRIL 27, 2007; AND MAY 1, 2007

Recommendation: That the City Council approve the City Council Minutes of January 5, 2007; April 3, 2007; April 27, 2007; and May 1, 2007.

Documentation: M.O. 01-051507
Disposition: Approved.

2. BUDGET ADJUSTMENT FOR 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 staff’s report.

Documentation: M.O. 02-051507
Disposition: Approved.

3. ACCEPTANCE OF IMPROVEMENTS - WILLIAMS RANCH, PHASE FOUR (BRIAN ENNIS - ENNIS HOMES)

Recommendation: That the City Council:
1. Accept the public improvements of Williams Ranch, Phase Four Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 03-051507
Disposition: Approved.

4. ACCEPTANCE OF FINAL SUBDIVISION MAP - NEW EXPRESSIONS, PHASE FIVE SUBDIVISION (ENNIS LAND DEVELOPMENT, INC.)
Recommendation: That the City Council:
1. Approve the final map of New Expressions, Phase Five Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 04-051507
Disposition: Approved.

5. APPROVAL FOR COMMUNITY CIVIC EVENT – LANDMARK CHRISTIAN CENTER – SUMMERFEST, JUNE 23, 2007

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Tree of Life Church, subject to the stated requirements contained in Exhibit A.

Documentation: M.O. 05-051507
Disposition: Approved.

6. AIRPORT LEASE RENEWAL – LOT 45

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. & Mrs. Michael Archer of Springville for Lot 45 at the Porterville Municipal Airport.

Documentation: M.O. 06-051507
Disposition: Approved.

7. AIRPORT LEASE RENEWAL – LOT 46A

Recommendation: That the City Council approve the Lease Agreement between the City of Porterville and Mr. & Mrs. Robert Baranek of Porterville for Lot 46A at the Porterville Municipal Airport.

Documentation: M.O. 07-051507
Disposition: Approved.

9. SIERRA MANAGEMENT TRANSIT CENTER LEASE

Recommendation: That the City Council:
1. Approve the Lease with Sierra Management; and
2. Authorize the Mayor and City Clerk to execute the Lease, which will go into effect July 1, 2007.

Documentation: M.O. 08-051507
Disposition: Approved.
10. TULE RIVER ABATEMENT PROJECT

Recommendation: None

Disposition: Informational Report Only.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 1 through 7, 9, and 10.

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

8. CITY COUNCIL POLICY FOR THE USE OF THE AIRPORT PAVILION

Recommendation: That the City Council ratify the policy for the use of the Airport PAPA Pavilion, with the modification that the fee should be $33.00.

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

In response to concerns raised by Council Member Hernandez, Mr. Longley elaborated on the proposed fee and the past use of the pavilion.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council ratify the policy for the use of the Airport PAPA M.O. 09-051507 Pavilion, with the modification that the fee should be $33.00.

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

Disposition: Approved.

PUBLIC HEARINGS

11. FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS NO. 38 THROUGH 40, AND ESTABLISHING ASSESSMENTS

Recommendation: That the City Council conduct a public hearing on the formation and levy of assessments; and adopt the resolution ordering the formation of Landscape and Lighting Maintenance District Nos. 38, 39 and 40, approving Engineer’s Reports, and the method and levy of assessments.
City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

The public hearing opened at 7:36 p.m. and closed at 7:37 p.m. when nobody came forward.

Staff confirmed that the area in which District 40 was located had been annexed into the City.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the resolution ordering the formation of Landscape and Lighting Maintenance District Nos. 38, 39 and 40, approving Engineer’s Reports, and the method and levy of assessments.

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

Disposition: Approved.

12. MURRY PARK MASTER PLAN

Recommendation: That the Council:
1. Conduct a public hearing on the environmental document and the Murry Park Master Plan;
2. Adopt a resolution approving the Mitigated Negative Declaration and Finding of No Significant Impact prepared for General Plan Amendment 2-2007; and
3. Adopt a resolution to approve General Plan Amendment 2-2007 pertaining to the Murry Park Master Plan.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report. During staff’s presentation, at 7:46 p.m., Council Member Pedro Martinez returned to the Council Chambers at took his place on the dais.

The public hearing opened at 7:52 p.m. and closed at 7:53 p.m. when nobody came forward.

In response to questions posed by the Council, staff elaborated on the various proposed features in the Master Plan, including walking paths, new restroom facilities, and playgrounds. A discussion ensued regarding the priorities set forth by the Parks & Leisure Services Commission. It was noted that depending on funding opportunities, there was flexibility with regard to moving certain items forward. Mr. Perrine elaborated on the need for new restroom facilities, and clarified that the recommendation was to concentrate on the playground and restroom projects with available funds, and search for other funding sources to begin a broader implementation of the complete improvement plan.

A brief discussion then ensued as to the work accomplished on the Murry Park Master Plan of 1965. Mr. Longley elaborated on the various Parks projects completed, including pool renovations at Murry Park; the construction of Veterans’ Park; Zalud Park; and the Sports Complex.
Council Member Hernandez voiced displeasure with the fact that time had been spent on preparing a Master Plan for Murry Park in 1965, yet virtually nothing had been accomplished toward that vision. He voiced concern with the same thing happening with the Master Plan before the Council. Mr. Longley spoke of staff’s plan to seek funding opportunities to implement the projects set forth, and indicated that the Master Plan had a great likelihood of being successful. Council Member Hernandez commented that he would like to see the projects set forth in the Master Plan come to fruition.

In response to questions posed by Mayor Pro Tem Felipe Martinez, Mr. Perrine spoke of trailway grants. He indicated that while a trailway grant might apply to improvements on park land, other funding opportunities were likely available for the projects set forth.

A brief discussion then ensued as to the use of C.O.P.s in the funding of the Sports Complex.

Mayor Hamilton reminded the Council of the subject before them that evening, which he stated was the consideration of the Mitigated Negative Declaration and General Plan Amendment. He then briefly noted he was in favor of an 18-hole golf course.

Council Member Pedro Martinez spoke in favor of seeking funding for a disabled-friendly/ADA compliant playground.

**COUNCIL ACTION:** MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution approving the Mitigated Negative Declaration and Finding of No Significant Impact prepared for General Plan Amendment 2-2007; and adopt the draft resolution to approve General Plan Amendment 2-2007 pertaining to the Murry Park Master Plan. The motion carried unanimously.

Disposition: Approved.

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

Recommendation: That the City Council continue the item to the June 5, 2007 meeting.

City Manager John Longley presented the item, and Development Associate Denise Marchant presented the staff report.

Mayor Hamilton noted that he had talked with Mr. Brian Ennis who had indicated that progress was being made in the negotiations.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council indefinitely postpone the item.

**M.O. 10-051507**

AYES: McCracken, F. Martinez, Hernandez
NOES: P. Martinez, Hamilton
ABSTAIN: None
ABSENT: None
City Manager clarified with the Council that the item would not be returned to the Council’s Agenda until such time as a staff report and proposal were prepared and presented to the Council.

City Attorney Julia Lew advised that the public hearing would need to be re-noticed.

Disposition: Continued.

14. **VACATE A PORTION OF PUBLIC WATER, SEWER AND STORM DRAIN FACILITIES EASEMENT RELATED TO THE DEVELOPMENT OF THE SKILLED NURSING FACILITY (SIERRA VIEW DISTRICT HOSPITAL)**

Recommendation: That the City Council continue the public hearing until June 5, 2007.

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

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council continue the public hearing to the M.O. 11-051507 Council Meeting of June 5, 2007. The motion carried unanimously.

Disposition: Approved.

15. **VACATE TEMPORARY EASEMENTS FOR VEHICULAR ACCESS AND STORM WATER FLOW AND RETENTION RELATED TO THE DEVELOPMENT OF SIERRA MEADOWS, PHASE TWO SUBDIVISION (SMEE BUILDERS)**

Recommendation: That the City Council:

1. Conduct a public hearing; and
2. Authorize the City Clerk to execute the vacation of temporary easements shown on the Sierra Meadows, Phase Two Subdivision Map by signing the appropriate statement on the Final Map.

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

Mr. Longley noted for the record that he resided near the subject subdivision, yet not within 500 feet.

The public hearing opened at 8:15 p.m. and closed at 8:16 p.m. when nobody came forward.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the City Clerk to execute the vacation of temporary easements shown on the Sierra Meadows, Phase Two Subdivision Map by signing the appropriate statement on the Final Map. The motion carried unanimously.

Disposition: Approved.
The Council recessed for ten minutes.

**SCHEDULED MATTERS**

16. **ACCEPTANCE OF FINAL SUBDIVISION MAP - SIERRA MEADOWS, PHASE TWO**

Recommendation: That the City Council:

1. Approve the final map of Sierra Meadows, Phase Two Subdivision;
2. Accept all offers of dedication and vacations shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

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

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the final map of Sierra Meadows, Phase Two Subdivision; accept all offers of dedication and vacations shown on the final map; and authorize the City Clerk to file said map with the County Recorder. The motion carried unanimously.

Disposition: Approved.

17. **RECEIVING THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2007-2008 AND SETTING STUDY SESSION AND PUBLIC HEARING DATES**

Recommendation: That the City Council receive the draft 2007/2008 Budget for consideration; and set dates for a Draft Budget Study Session, a Capital Program Study Session; and a Budgetary Public Hearing.

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

After some discussion of various dates, the Council agreed to set dates for two study sessions and a public hearing as follows:

- Draft Budget Study Session: May 30, 2007 at 6:00 p.m.
- Capital Program Study Session: June 8, 2007 at 9:30 a.m.
- Budgetary Public Hearing: June 19, 2007

Disposition: Direction given to staff.

18. **APPROVAL OF MEASURE ‘R’ COOPERATIVE AGREEMENT**

Recommendation: That the City Council:

1. Approve the Cooperative Agreement as written;
2. Authorize the Mayor to execute the Cooperative Agreement;
3. Authorize the City Clerk to transmit the executed Cooperative Agreement to the Tulare County Association of Governments (“TCAG”), acting as the Local Transportation Authority; and
4. Authorize and direct the Public Works Director to complete or have completed the necessary Bike and Transit Plans by September 28, 2007.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez supplemented the staff’s recommendation to also have the Council direct the Public Works Director to prepare and transmit the “Maintenance of Effort” base-line to TCAG by the June 29, 2007 deadline.

In response to questions posed by the Council, Mr. Rodriguez elaborated on the benefits of signing the cooperative agreement.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Cooperative Agreement as written; authorize the Mayor to execute the Cooperative Agreement; authorize the City Clerk to transmit the executed Cooperative Agreement to the Tulare County Association of Governments (“TCAG”), acting as the Local Transportation Authority; authorize and direct the Public Works Director to complete or have completed the necessary Bike and Transit Plans by September 28, 2007; and direct the Public Works director to prepare and transmit the “Maintenance of Effort” base-line to TCAG by the June 29, 2007 deadline. The motion carried unanimously.

Disposition: Approved.

19. CONSIDERATION OF A REQUEST FOR ASSISTANCE TO ADDRESS THE COUNTY CLINIC CLOSURE BY A COMMUNITY BASED ORGANIZATION

Recommendation: If governmental assistance is approved, the amount should be specified and it should be specifically budgeted from the City’s Emergency Reserve.

City Manager John Longley presented the item and staff report. Mr. Longley indicated that the Council might wish to establish a sub-committee, and in that event, an appropriation should be attached to that committee.

Mayor Pro Tem Felipe Martinez volunteered to serve on the sub-committee.

Council Member Pedro Martinez moved that the Council form an ad hoc committee to include Mayor Pro Tem Felipe Martinez. Council Member McCracken seconded the motion.

Mayor Hamilton moved that the Council also appoint Council Member Pedro Martinez to the ad hoc committee. Mayor Pro Tem Felipe Martinez seconded the motion.

A discussion ensued as to the potentially uncomfortable situation that might be created for Council Member Pedro Martinez in the event he served on the ad hoc committee, in light of the fact that he was currently employed by Tulare County. City Attorney Julia Lew clarified that the Council
Member need not serve if he felt uncomfortable in that capacity, or if he believed his service might negatively impact his job.

Mr. Longley indicated that the Council should also determine whether the committee would serve in an advisory capacity, or if by unanimous decision, could expend funds and report that action to the Council.

Mayor Hamilton noted that he could understand that Council Member Pedro Martinez might have a conflict with serving on the committee, and thus, moved that Council Member McCracken serve in his place, along with Mayor Pro Tem Felipe Martinez; and that the Council also authorize a $10,000 appropriation from Emergency Reserves.

Council Member Pedro Martinez seconded the motion.

Council Member McCracken voiced his willingness to serve on the ad hoc committee, as long as long as the Council was aware of his time constraints.

Mayor Hamilton restated his motion to be that the Council authorize a $10,000 appropriation from Emergency Reserves; appoint Mayor Pro Tem Felipe Martinez and Council Member McCracken to an ad hoc committee with the authority to expend said funds with a unanimous decision; and that such action would be reported to the Council.

COUNCIL ACTION:  
MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize a $10,000 appropriation from 
M.O. 15-051507 
Emergency Reserves; appoint Mayor Pro Tem Felipe Martinez and Council Member McCracken to an ad hoc committee with the authority to expend said funds on unanimous action and report such action to the Council. The motion carried unanimously.

Disposition: Approved.

20. REQUEST BY COUNCIL MEMBER – REQUEST FOR APPROVAL OF LEAGUE OF CALIFORNIA CITIES’ LATINO CAUCUS SUPPORT LETTER FOR SB 59 AND THE GOVERNOR’S WATER INFRASTRUCTURE UPGRADES PROGRAM

Recommendation: To be determined by Council.

City Manager John Longley presented the item and staff report.

A discussion ensued during which several Council Members voiced agreement in supporting SB59 and the Governor’s Water Infrastructure Upgrades Program.

Council Member Pedro Martinez moved that the Council approve sending a letter supporting the League of California Cities’ Latino Caucus Support Letter for SB59 and the Governor’s Water Infrastructure Upgrades Program.
Council Member Hernandez seconded the motion.

Council Member McCracken indicated that he agreed with SB 59 and the proposed Temperance Flat Dam, however he did not feel comfortable with sending the draft letter provided by the Latino Caucus. He stated that the proposed letter was directed at only a specific segment of the population, rather than the people of the State of California. A discussion ensued as to the reasoning behind using the draft letter provided by the Latino Caucus. In light of Council Member McCracken’s reservations, it was the concurrence of the Council to direct staff to draft an alternate letter of support to the Latino Caucus, and that the Mayor would have the authority to approve the draft and sign the letter.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council direct staff to draft a letter supporting M.O. 16-051507 the League of California Cities’ Latino Caucus Support Letter for SB59 and the Governor’s Water Infrastructure Upgrades Program. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Mayor Pro Tem Felipe Martinez:
  1. Spoke of concerns raised by parents of T-Ball participants, and requested that staff look into ingress/egress issues at the Sports Complex. Mr. Longley indicated that staff would look into the matter and provide a memorandum to the Council; and
  2. Thanked Public Works Director Baldo Rodriguez and his staff for their prompt removal of graffiti at Willow Avenue and F or G Street.
• Council Member Eddie Hernandez:
  1. Spoke of the activities at the Porterville Fair and encouraged everyone to support the event; and
  2. Inquired as to the status of the City Flag.
• Council Member McCracken stated that, on a personal note, Le Bistro was now closed on Mondays; open Tuesday through Thursday for breakfast and lunch; open Friday and Saturday for breakfast, lunch and dinner; and served Brunch on Sundays.
• Council Member Pedro Martinez:
  1. Advised everyone that the City of Porterville had raised $400 at the Cream of the Crop Softball Challenge, and thanked event participants;
  2. Requested a memorandum on the status of the improvements at the Putnam Community Center as previously authorized by the Council;
  3. Spoke of the need for two parking stalls near the concessions booth at the Sports Complex;
  4. Requested that the Council send a Letter to the Editor of the Porterville Recorder congratulating all of the high school graduates;
5. Spoke of the recently published crime report, and thanked the Police Department for its efforts. He then voiced support for a Neighborhood Watch Program and volunteered his assistance; and
6. Noted that approximately one year had passed since Mr. Hamilton’s appointment as Mayor, and congratulated him on his successful tenure.

- Mayor Hamilton spoke of an aggressive individual at Hayes Field and voiced his interest in addressing the situation. City Attorney Julia Lew indicated that she would speak with the Mayor regarding ways in which the matter could be handled.

CLOSED SESSION
The Council recessed for five minutes at 9:09 p.m., then reconvened Closed Session.

ADJOURNMENT
The Council reconvened the public meeting, reported that no action had been taken, and adjourned at 9:50 p.m. to the meeting of May 30, 2007 at 6:00 p.m.

________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

____________________________
Cameron Hamilton, Mayor