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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54957.6 - Conference with Labor Negotiator. Agency Negotiator: John Lollis. Employee Organization: Operating Engineers Local Union No. 3 ("OE3").

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.

Pledge of Allegiance Led by Mayor Pro Tem Felipe A. Martinez
Invocation – One individual participated.

PROCLAMATION
Earl E. Smith Jr.

PRESENTATION
Employee of the Month – Ben Mendoza

ORAL COMMUNICATIONS
• Daniel Ortega, 1517 Westside, spoke of his need to park his one-ton flat bed pickup truck at his residence and of the recent warning by the City’s code enforcement officer as to the prohibition of same. He requested the Council’s assistance in resolving the issue.
• Boyd K. Leavitt, spoke of the issue of bats, and inquired as to the status of the construction of bat houses as approved by the Council two years prior.
CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF OCTOBER 2, 2007 AND MAY 6, 2008

Recommendation: That the City Council approve the Minutes of October 2, 2007 and May 6, 2008.

Documentation: M.O. 01-060308
Disposition: Approved

2. CLAIM – PAUL DAVID VERA, JR.

Recommendation: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 02-060308
Disposition: Approved

3. ACCEPTANCE OF PROJECT – RIVERWALK MARKETPLACE (STATE ROUTE 190 & SOUTH JAYE STREET ONLY)

Recommendation: That City Council:
1. Accept the project State Route 190 and South Jaye Street construction project contract as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 03-060308
Disposition: Approved

4. AUTHORIZATION TO AMEND AGREEMENT WITH CAROLLO ENGINEERS TO PROVIDE ENGINEERING STUDY SERVICES

Recommendation: That City Council:
1. Authorize the Mayor to execute Addendum No. 7 to PO No. 012302 for services by Carollo Engineers; and
2. Appropriate $80,063 from the Waste Water Capital Reserve Fund for these services.

Documentation: M.O. 04-060308
Disposition: Approved

5. AUTHORIZATION TO AMEND CONTRACT WITH CHABIN CONCEPTS, INC.

Recommendation: That City Council:
1. Approve Amendment No. 1 to the Chabin Concepts Service Agreement for the Analysis of Market and Industry Trends for Planning of Entrepreneurial Training and Business Incubator Assessment in the amount of $12,999; and
2. Authorize the Mayor to sign all necessary documents

Documentation: M.O. 05-060308
Disposition: Approved

6. REQUEST FOR A CITY COUNCIL STUDY SESSION TO REVIEW THE URBAN DEVELOPMENT BOUNDARY, URBAN AREA BOUNDARY, AND SPHERE OF INFLUENCE BOUNDARY AMENDMENTS

Recommendation: That the City Council authorize staff to schedule a study session to provide direction to staff on the preparation of the City’s boundary amendments.

Documentation: M.O. 06-060308
Disposition: Approved

7. RENEW AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF JUSTICE

Recommendation: That City Council approve the proposed agreement and authorize the Mayor to sign on behalf of the City of Porterville.

Documentation: M.O. 07-060308
Disposition: Approved

8. INTENT TO SET PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – DATE AVENUE RECONSTRUCTION PROJECT – MAIN STREET TO CORNELL STREET

Recommendation: That the City Council:
1. Set a Public Hearing for June 17, 2008 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. 08-060308
Disposition: Approved

9. INTENT TO VACATE A 25 FOOT EMERGENCY ACCESS EASEMENT RELATED TO THE RIVERWALK MARKETPLACE SHOPPING CENTER (ENNIS COMMERCIAL PROPERTIES, LLC)
Recommendation: That City Council:

1. Pass a Resolution of Intent to Vacate a 25 foot emergency access easement dedicated to the City of Porterville as Document No. 95-009544, recorded February 15, 1995, in the Office of the Tulare County Recorder; and

2. Set the Council Meeting of July 1, 2008, or as soon thereafter, as the time and place for a public hearing.

Documentation: Resolution No. 47-2008
Disposition: Approved

10. REIMBURSEMENT FOR STREET IMPROVEMENTS AND UNDERGROUND UTILITIES RELATED TO THE RIVERWALK MARKETPLACE COMMERCIAL CENTER AND JAYE STREET CROSSINGS COMMERCIAL CENTER

Recommendation: That the City Council establish, by resolution, that before benefiting/adjacent properties are permitted to develop, their proportionate share of the reimbursement amount shall be collected and reimbursed to City of Porterville. The total reimbursement amount to be collected shall not exceed $1,135,242.04 or proportional share thereof.

An amended resolution was presented for Council consideration via memorandum that read as follows:


WHEREAS, Ennis Commercial Properties, LLC and the City of Porterville, hereinafter referred to as “Developers” agreed to share financially for the public street improvements and underground utilities associated with the development of Riverwalk Marketplace Commercial Center and Jaye Street Crossings Commercial Center outlined in their respective Environmental Impact Documents. The improvements will serve all properties on both sides of Jaye Street generally between Springville Avenue and State Route 190 in the City of Porterville, County of Tulare, State of California, as shown on the locator map (Exhibit “A”) attached hereto and hereby made a part hereof; and

WHEREAS, Developers have a financial interest in the property along the east side of Jaye Street between Springville Avenue and State Route 190; and

WHEREAS, Developers have paid the entire cost of said street improvements
and underground utilities serving the commercial property east of Jaye Street between Springville Avenue and State Route 190 as shown in the tabulations contained in Exhibit “B”, which is attached hereto and made a part hereof; and

WHEREAS, said street improvements and underground utilities have been constructed and completed in conformity with all agreements, laws, regulations, and ordinances of the City of Porterville and the same has been constructed and completed in such a manner that the same will serve present and future owners of the property adjacent to said street improvements and underground utilities as indicated on Exhibit “A”, in the City of Porterville, County of Tulare, State of California; and

WHEREAS, John S. Hale, Michael R. Tolladay and CZEM, LLC (“Owners”) own the approximately 10 acre portion of land generally located east of Jaye Street between State Route 190 and Springville Avenue (Assessor Parcel Numbers 260-300-008 and 260-300-017) (the “Property”); and

WHEREAS, the Owners have applied to develop the Property as a retail center known as the Jaye Street Crossings Commercial Center (the “Project”); and

WHEREAS, the Owners have not paid, assumed or discharged any of the costs in connection with the construction of the street improvements and underground utilities listed on Exhibit “B” that are needed in connection with development of the Project;

NOW THEREFORE, BE IT RESOLVED, that at the time of issuance of a building permit for development of the Property, the Owners, or their successor(s), shall pay the proportional cost of an amount not to exceed $1,135,242.04 for the improvements listed in Exhibit “B” based on the acreage of the Property then proposed for development.

ADOPTED this 3rd day of June, 2008

Documentation: Resolution No. 48-2008
Disposition: Approved, as amended by staff via memorandum.


Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 09-060308
Disposition: Approved
12. TRANSACTION AND USE TAX OVERSIGHT COMMITTEE – PUBLIC SAFETY SALES TAX (MEASURE H) ANNUAL REPORT

Recommendation: That the City Council accept the Annual Report of the Transactions and Use Tax Oversight Committee – Public Safety Sales Tax (Measure H).

Documentation: M.O. 10-060308
Disposition: Approved

13. 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 authorize payment consistent with the City budget.

Documentation: M.O. 11-060308
Disposition: Approved


The item was removed from the Agenda.

Disposition: No action required.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve Item Nos. 1 through 13.

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

Disposition: Approved

SECOND READING

15. ORDINANCE 1739, APPROVING ZONE CHANGE AMENDMENT 1-2008

Recommendation: That the Council give Second Reading to Ordinance No. 1739, waive further reading, and adopt said Ordinance.

City Manager John Longley introduced the item and presented the staff report.
COUNCIL ACTION:  MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1739, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PURSUANT TO ARTICLE 27 OF THE PORTERVILLE ZONING ORDINANCE APPROVING ZONE CHANGE AMENDMENT 1-2008 FROM R-2 (FOUR FAMILY RESIDENTIAL) ZONE TO PD (R-2) (PLANNED UNIT DEVELOPMENT-FOUR FAMILY RESIDENTIAL) ZONE FOR THOSE ELEVEN (11) LOTS ORIGINALLY APPROVED FOR RIVER VIEW ESTATES PHASE THREE LOCATED ON THE NORTH AND SOUTH SIDES OF ROBY AVENUE.

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

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS

16. PROPOSAL OF PARTNERSHIP WITH GRANITE HILLS HIGH SCHOOL “GRIZZLY GAZETTE” TO PROVIDE AUDIO-VISUAL INTERNET BROADCAST OF CITY COUNCIL MEETINGS

Recommendation: That the City Council provide direction to City staff concerning the proposals made by the “Grizzly Gazette”.

City Manager Longley introduced the item, and Deputy City Manager John Lollis presented the staff report.

Staff from the Grizzly Gazette came forward to introduce themselves, and make a short presentation. Following the presentation, staff was directed by the Council to draft a Memorandum of Understanding for consideration by the new Council.

Disposition: The item was continued, and staff direction given.

17. REQUEST CONNECTION TO CITY WATER IN COUNTY

Recommendation: If the Council determines to apply the “Wholesale Water Policy to single ownerships, staff recommends the following:

1. Set the minimum parcel size for private ownership or ownership in aggregate at one acre;
2. If annexation is not achieved, limit water use to the existing structure with an agreement to disconnect if the condition is violated. Additions, modifications and other minor alterations to the existing structure would not be considered a violation;
3. Connection shall be allowed only if adequate line capacity is demonstrated; and
4. Authorize the Public Works Director to enhance, by one degree, conservation requirements as a condition of connection.

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

City Attorney Lew elaborated on concerns with regard to providing services to areas outside of City limits, which included the possibility of triggering the prevailing wage law. A discussion ensued regarding water district formation.

- Donna Shinley, Roberts Engineering, came forward to address inquiries about the formation of a district.

After some discussion, Council requested that City Attorney Lew research the impact of the Porter Vista issue, and the item was continued to the July 1, 2008 meeting.

Disposition: The item was continued, and staff direction given.

**18. DESIGN “D” OVERLAY REVIEW 2-2008 – JAYE STREET CROSSING**

Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Review 2-2008.

City Manager Longley introduced the item, and City Planner Kimball presented the staff report.

- John Hale, applicant, spoke in favor of the item; confirmed that the Council had received the latest version; and thanked staff.

**COUNCIL ACTION:**

MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the City Council adopt the draft resolution containing findings and conditions in support of approval of Design Overlay Review 2-2008.

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

Disposition: Approved
19. REVIEW OF REGULATIONS PERTAINING TO THE SALE OF ALCOHOLIC BEVERAGES AND ISSUANCE OF LETTERS OF PUBLIC CONVENIENCE OR NECESSITY

Recommendation: For informational purposes only.

City Manager Longley introduced the item, and City Planner Ben Kimball presented the staff report.

A discussion ensued about the reasoning behind the request to review the regulations. Council Member McCracken made a motion to thank staff for their efforts and move onto next item. The motion died for lack of a second.

Staff was directed to draft new regulations requiring a Conditional Use Permit for all off-sale permits, and bring back to Council when other ordinance amendments were presented.

Disposition: Staff direction given.

20. PROPOSED CITY ORDINANCES REGARDING REGULATION OF PARKING ON LAWNS AND UNIMPROVED SURFACES

Recommendation: That the City Council:
1. Consider the draft regulations and provide any additional direction; and
2. Set a public hearing for June 17, 2008 for the consideration of public testimony concerning the draft ordinances.

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

Mayor Hamilton indicated that he was pleased with the draft regulations.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council set a public hearing for June 17, 2008 for the consideration of public testimony concerning the draft ordinances.

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

Disposition: Approved

21. APPOINTMENT TO MOSQUITO ABATEMENT STUDY GROUP
Recommendation: That the City Council select a representative of the Council to serve on the Mosquito Abatement Study Group.

City Manager Longley introduced the item, and provided background information.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council appoint Council Member McCracken to serve on the Mosquito Abatement Study Group.

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

Disposition: Approved

22. CONSIDERATION OF MEMBERSHIP ON STIG

Recommendation: That the City Council consider the City’s membership on the Southeastern Tulare County Intergovernmental Coordinating Committee.

City Manager Longley introduced the item.

City Attorney Lew noted that there was a Council Member that had a potential conflict of interest, and that the purpose of the item was to consider whether the Council wished to appoint another Council Member who would be able to attend the meetings. She then clarified that the Council Member could vote on the new appointment because it did not pertain to matters before the committee.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council appoint Mayor Hamilton to serve on the STIG Committee.

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

Disposition: Approved

23. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF THE DEVELOPMENT OF A PROPERTY MAINTENANCE ORDINANCE

Recommendation: None.

City Manager Longley introduced the item.
After a brief discussion, staff was directed to include property maintenance as an element in the zoning ordinance amendments to be brought to the Council.

Disposition: Staff direction given.

**ORAL COMMUNICATIONS**
- Jerry Eoff, 752 E. Putnam Avenue, thanked the Council for its work and direction on the proposed “No Parking on Lawns” ordinance.

**OTHER MATTERS**
- Council Member Hernandez thanked everyone who voted that day.
- Mayor Pro Tem Felipe Martinez thanked staff for their hard work.
- Mayor Hamilton:
  1. Requested that staff look into Mr. Ortega’s situation of parking his one-ton flatbed pickup truck at his residence; and
  2. Spoke of correspondence received from Mr. Ennis with regard to the vacation of easements, and of the situation regarding the timing of the public hearing notice falling immediately after the next regular meeting. He indicated that Mr. Ennis had requested Council’s consideration prior to the first meeting in July. Staff acknowledged the situation, and indicated that an adjourned meeting for Council reorganization might be held during the last week of June which could possibly accommodate Mr. Ennis’ item.

**ADJOURNMENT**
The Council adjourned at 8:35 p.m. to the meeting of June 10, 2008 at 6:00 p.m.

SEAL ______________________________
Luisa Herrera, Deputy City Clerk

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Cameron Hamilton, Mayor