Called to order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Irish, Council Member Martinez, Vice Mayor Ward, Mayor McCracken

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
8-Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
Pledge of Allegiance Led by Vice Mayor Brian Ward
Invocation—one individual participated.

PROCLAMATIONS
- Water Awareness Month – May, 2010
- Freedom Days
- Monache High FFA Poultry Judging Team
- Porterville High FFA Livestock Judging Team

PRESENTATIONS
- Outstanding Business Award
- Tulare County General Plan

The Tulare County General Plan presentation was given by Dave Bryant, Special Projects Manager with the County of Tulare Resource Management Agency.

Following the presentation Council Member Hamilton shared his concerns and identified issues where he disagreed with the County’s General Plan, which included the Rural Valley Lands Plan and revenue sharing. Council Member Martinez then encouraged the County to work with cities, and noted that the City’s General Plan had been adopted.

Mr. Bryant responded to the concerns and indicated that it was the County’s wish to discuss and negotiate issues with cities and the Council of Cities, and thanked the Council for their time. Council Member Hamilton suggested the changing of the word “may” to “shall”.

The Council then congratulated Donnette Silva Carter on the Porterville Chamber of Commerce’s receipt of the President’s Circle of Excellence Award. She spoke briefly about the honor and thanked the Council for their recognition.

The Council recessed for ten minutes.

City Attorney Julia Lew reported on action during Closed Session, as follows:


Ms. Lew reported that the City Council, on a motion of Vice Mayor Ward, and second by Council Member Martinez, unanimously approved the acquisition of 6,624 sq. ft. of right-of-way, property APN 259-020-003, from owner John and Bette L. Della, in an amount of $3,800 plus escrow fees; and authorized staff to begin escrow.

Documentation: Resolution 53-2010
Disposition: Approved.
ORAL COMMUNICATIONS

- Mary McClure, voiced safety concerns with City staff measuring cracks in the road on North Main Street, commented on the unsafe condition of the street, and suggested that the City grade the roadway and shoulders.

- John Coffee, a Porterville resident, 1) spoke of the significant difference between “shall” and “may” in contracts in response to comments made by the Council during the Tulare County General Plan presentation; and 2) advised everyone of a Suicide Prevention conference to take place in Visalia that weekend.

- Daniel Luna, on behalf of the Mexican-American Political Association and People’s Legal Defense Committee, requested that the City Council stand in solidarity with the Mexican community and act to oppose the new Arizona law pertaining to immigrants.

- Wayne Childers, 1929 W. Cherry, commented on the new Arizona law, SB 1070, and requested that the City Council not condemn Arizona.

- Rebecca Gervaise, 1156 W. Main Street, requested that the City Council take no stand on Arizona’s SB 1070, suggesting that any action would serve to divide the community.

- Khris Saleh, 1206 W. Westfield Avenue, stated that more information should be presented on Items 2 and 8 before any action by the Council; and suggested that now was not the time to move forward on Items 16 and 17.

- Greg Shelton, 888 N. Williford Drive, spoke regarding Item 16, suggesting that now was not the time for “vote buying”; and regarding Arizona’s SB 1070 and previous commentary thereof, spoke of profiling and suggested that law abiding individuals had nothing to fear from the new law.

- (Name inaudible), spoke of the inaction of the federal government regarding immigration, and spoke in favor of Arizona’s SB 1070.

- Dennis Townsend, business address at 633 N. Westwood, commented that the organizations to which Mr. Luna and Mr. Villalobos belonged were linked to Socialism and Marxism; and spoke against the Council admonishing Arizona as had been requested.

- Ray Leon, Mexican-American Political Association, stated that the comments made by Mr. Townsend were false; opined that the new Arizona law was racist; and requested that the Council adopt a resolution admonishing the State of Arizona.

- Barry Caplan, Porterville resident, 1) spoke against the new Arizona law; 2) noted with the passage of SB54, Harvey Milk would be observed on Saturday, May 22nd; and 3) urged everyone to attend the Suicide Prevention Conference scheduled for Friday in Visalia.

CONSENT CALENDAR

- Item No. 8 was removed for further discussion.

1. CITY COUNCIL MINUTES OF MARCH 2, 2010

Recommendation: That the City Council approve the Minutes of March 2, 2010.
2. AUTHORIZATION TO ADVERTISE FOR BIDS – 09/10 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:
   1. Approve Staff’s recommended Plans and Project Manual for the 09/10 Micro Surfacing Project;
   2. Approve the advancement of 2010/2011 “Local” Measure ‘R’ Funds as approved by TCAG; and
   3. Authorize staff to advertise for bids on the project.

3. THIS ITEM HAS BEEN REMOVED.

4. REQUEST FOR APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT PARTS

Recommendation: That the City Council approve the purchase of a new 30001-0018-DI grinder cartridge with the drive side scraper side rails, and two auger brush kits for the SWM from JWC Environmental for a not to exceed $18,000 price.

5. RESOLUTION SUSPENDING IMPLEMENTATION OF AUTOMATIC - INFLATIONARY ADJUSTMENTS TO DEVELOPMENT IMPACT FEES FOR THE 2010-2011 FISCAL YEAR

Recommendation: That the Council adopt the proposed draft resolution.

6. ANNEXATION 473 (COTTAGE ESTATES) – RESCINDING PREVIOUSLY APPROVED RESOLUTIONS AND REAPPROVING DRAFT RESOLUTIONS PER CITY COUNCIL DIRECTION

Recommendation: That the City Council rescind the previously approved Resolution 41-2010, 42-2010, and 43-2010, and adopt the originally drafted resolutions approving Annexation 473.
7. IMPLEMENTATION OF PORTERVILLE DEVELOPMENT CODE

Recommendation: That the City Council adopt a draft resolution formalizing transitional implementation of the adopted Porterville Development Code.

Documentation: Resolution 59-2010
Disposition: Approved

9. FAMILY PLACE LIBRARY PROGRAM

Recommendation: That the City Council accept the informational report.

Documentation: M.O. 04-051810
Disposition: Approved

10. FIRE PREVENTION AND SAFETY GRANTS – FY 2009

Recommendation: That the City Council:
   1. Accept the 2009 Fire Prevention and Safety Grant; and
   2. Make the appropriate budget adjustment to the 025-Special Safety Grant Fund in the amount of $167,775 to cover the components of the Fire Prevention and Safety Grant.

Documentation: M.O. 05-051810
Disposition: Approved

11. VISALIA’S HAZ-MAT RESPONSE TEAM

Recommendation: None – information only.

Disposition: No action required.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Hamilton that the City Council approve Items 1 through 7, and 9 through 11. The motion carried unanimously.

8. AWARD OF CONTRACT – “REAL ESTATE BROKER SERVICES” FOR PROPERTY DISPOSITION FOR NEIGHBORHOOD STABILIZATION PROGRAM

Recommendation: That the City Council:
   1. Authorize staff to negotiate a service agreement with the firm Melson Realty – Larry Harper, Broker;
2. Authorize staff to negotiate a service agreement with the second ranked firm Century 21 All Star Realty – Mike Allen, Broker if unable to negotiate an agreement with the first ranked firm; and
3. Authorize the Mayor to sign all documents.

The City Manager introduced the item, and the staff report was waived at the Council’s request.

Council Member Hamilton stated that he had pulled the item to note his opposition to the program.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Irish that the City Council authorize staff to negotiate a service agreement with the firm Melson Realty – Larry Harper, Broker; authorize staff to negotiate a service agreement with the second ranked firm Century 21 All Star Realty – Mike Allen, Broker if unable to negotiate an agreement with the first ranked firm; and authorize the Mayor to sign all documents.

AYES: Irish, Martinez, Ward, McCracken
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Approved

PUBLIC HEARINGS
12. WATER CONSERVATION

Recommendation: That the City Council approve moving into Phase II of the Water Conservation Plan.

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

The public hearing was opened at 8:44 p.m.

- Brock Neeley, Porterville resident, suggested developers be required to develop gray water systems for landscaping.

The hearing closed to the public at 8:45 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Irish that M.O. 07-051810 the City Council approve moving into Phase II of the Water Conservation Plan. The motion carried unanimously.
REQUEST FOR A CONDITIONAL USE PERMIT 10-2008 TO ALLOW FOR AN EIGHTEEN (18) UNIT DUPLEX DEVELOPMENT ON THREE (3) ADJOINING PARCELS LOCATED AT 1492 AND 1482 WEST TOMAH AVENUE

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 10-2008, subject to conditions of approval.

City Manager Lollis introduced the item, and Assistant Planner Fernando Rios presented the staff report.

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

- Mark Hillman, on behalf of the applicant, spoke of issue with interpretation of Condition No. 39 of Resolution 08-2009; and requested that Condition No. 27 be stricken as he believed it to be redundant of Condition No. 26.

- Jessica Mahoney, Terra Bella resident, requested to view the satellite map and voiced concern with the width of the road, the need for sprinklers, and the vagueness of the language of Condition No. 39 of Resolution 08-2009.

The public hearing closed at 8:55 p.m.

A discussion ensued with regard to the ambiguity of the language regarding the expiration of the conditional use permit and the fees charged for modification of the conditional use permit.

City Attorney Lew requested that the public hearing be continued.

At the Mayor’s request, Fire Chief Mario Garcia spoke about the requirements for automatic sprinkler systems.

- Mark Hillman, indicated that state codes had to be applied; spoke again regarding the redundancy of Condition No. 37; and requested that the item not be continued.

City Planner Bill Nebeker stated that the language was ambiguous and suggested refunding the modification fee to the applicant. He added that it was not staff’s desire to delay the project, and that the modified conditional use permit provided clarification to some phasing issues.

City Attorney Lew advised that Condition 27 could be clarified to state that an automatic sprinkler system would be required if required per California Residential Code.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the City Council adopt the draft resolution approving Conditional Use Permit 10-2008, subject to conditions of approval as amended, to revise Condition 27 to read: “Based on the occupancy
classification, any permit pulled after January 2011 will require an automatic sprinkler system if required per California Residential Code.”; and direct staff to refund $150 to the applicant. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

14. CITY OF PORTERVILLE 2009-2014 HOUSING ELEMENT AND NEGATIVE DECLARATION

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for the 2009-2014 Housing Element; and
2. Adopt the draft resolution adopting the 2009-2014 Housing Element.

City Manager Lollis introduced the item, and the staff report was presented by Associate Planner Jose Ortiz.

The public hearing was opened at 9:23 p.m. Seeing no one, the Mayor closed the public hearing at 9:24 p.m.

Council Member Hamilton made a motion to deny staff’s recommendation, which died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Vice Mayor Ward that the City Council adopt the draft resolution approving the Negative Declaration for the 2009-2014 Housing Resolution 62-2010 Element; and adopt the draft resolution adopting the 2009-2014 Housing Element.

AYES: Martinez, Ward, McCracken
NOES: Hamilton, Irish
ABSTAIN: None
ABSENT: None

Disposition: Approved

SCHEDULED MATTERS

15. STAFF INITIATED MODIFICATION TO DESIGN “D” OVERLAY SITE REVIEW 1-2010 (MEDICAL OFFICE BUILDINGS – DR. VEMURI)

Recommendation: That the City Council:
1. Adopt the draft resolution which adds conditions with respect to phasing of the project in relation to the new parcel; and
2. Maintain the previous conditions found in Resolution 26-2010 in full effect.

City Manager Lollis introduced the item, and Associate Planner Jose Ortiz presented the staff report.

At Council Member Hamilton’s request, the Mr. Ortiz provided a history of the subject parcel.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution which adds conditions with respect to phasing of the project in relation to the new parcel; and maintain the previous conditions found in Resolution 26-2010 in full effect. The motion carried unanimously.

Disposition: Approved

16. CONSIDERATION OF ESTABLISHING CITY BENEVOLENCE (“GOOD WORKS”) FUND

Recommendation: That the City Council:
1. Consider the proposed funding distribution model; and
2. Provide direction as to the requirement and to the extensiveness of an application for funding.

City Manager Lollis introduced the item and presented the staff report.

Council Member Irish expressed concern with giving money away when the departments had been recently asked to conserve five percent of their budgets.

Council Member Hamilton spoke in favor of having a policy in place.

Council Member Felipe Martinez spoke in favor of donating surplus equipment such as computers to non-profit organizations.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Vice Mayor Ward that the City Council deny the establishment of a City Benevolence “Good Works” Fund.

AYES: Irish, Martinez, Ward, McCracken
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Denied
17. CONSIDERATION OF ESTABLISHING A PROGRAM FOR VOLUNTARY
CONTRIBUTIONS TO NON-PROFIT ORGANIZATIONS BY CITY
EMPLOYEES AND RESIDENTS

Recommendation: That the City Council:

1. Consider modifying the City employee payroll deduction policy to allow direct contributions to individual non-profit organizations; and
2. Provide direction on establishing a City resident non-profit contribution program through utility billing.

City Manager Lollis introduced the item and presented the staff report.

At the Council’s request the City Manager spoke briefly regarding staff time required to implement such a program.

Vice Mayor Ward inquired about the costs for software, and asked if the costs could be passed on to non-profits which would benefit from the contributions.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Irish that the City Council continue the item to the City Council meeting of June 1, 2010, and direct staff to obtain cost estimates for “round up” software. The motion carried unanimously.

Disposition: Item continued to June 1, 2010.

Council Member Irish noted that Mayor Virginia Gurrola had the record for shortest City Council meeting at 18 minutes, and that it was something that the Council should consider in the future.

ORAL COMMUNICATIONS

- Mary McClure, 23149 Joseph Court, advised that she would like to pick up her building permit that has been delayed due to the City requiring a soils report.
- Grace Munoz Rios, 345 W. Bellevue, advised the Council of the lengthy process involved to become a recipient under The United Way.
- Jesse Carrillo, 1241 Ohio Place, requested that the Council restrict the travel of diesels on City streets.
- Greg Shelton, address on record, thanked the City Council for not pursuing a Benevolence Fund.
- Jessica Mahoney, a Terra Bella resident, spoke of the life of Harvey Milk in recognition of Harvey Milk Day.
- Dennis Townsend, address on record, reiterated his comments regarding Arizona’s SB 1070 and reasserted a connection between Mr. Villalobos and socialism. He then requested that the Council adopt a resolution in support of Arizona’s SB 1070; and spoke against Harvey Milk Day, urging parents to keep their children home from school in protest.
• Barry Caplan, Porterville resident, voiced disagreement with Mr. Townsend’s comments regarding SB 1070 and SB 54, and requested that the Council address the tone of Mr. Townsend’s comments.

During Mr. Caplan’s commentary, Council Member Hamilton excused himself from the meeting and exited the Council Chambers.

OTHER MATTERS

• Council Member Ward encouraged everyone to come downtown for the AMGEN Tour of California on Thursday, May 20th and thanked staff for their effort on the event; and wished everyone a Happy Memorial Day.
• City Manager Lollis informed the Council of the recent passing of recently-retired City employee Kathy Poundstone.

ADJOURNMENT

The meeting adjourned at 10:01 p.m. to the meeting of June 1, 2010 at 6:00 p.m.

________________________________________
Luisa Herrera, Deputy City Clerk

SEAL

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Pete V. McCracken, Mayor