Call to Order at 6:00 p.m.
Roll Call: Council Member Hamilton, Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

**ORAL COMMUNICATIONS**
None

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   7- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   8- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Four Cases.
   9- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

**7:00 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**
City Attorney Julia Lew reported that no reportable action had taken place.
Pledge of Allegiance Led by Mayor McCracken
Invocation – one individual participated.

PROCLAMATIONS
Arbor Day – April 30, 2010
Cinco de Mayo Week – April 28-May 5
Child Abuse Prevention Month – April, 2010
Denim Day – April 21, 2010
Iris Festival Day – April 24, 2010

PRESENTATIONS
Tulare County Child Abuse Prevention Council
Fill the Boot – Muscular Dystrophy Association

Staff requested that an emergency item be added to the agenda as Item 29 under Scheduled Matters – “Designation of Council Member to serve on Consolidated Waste Management Authority Board.”

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council add to the agenda as Item 29, “Designation of Council Member to Serve on Consolidated Waste Management Authority Board”. The motion carried unanimously.

Disposition: Item added.

ORAL COMMUNICATIONS
• Debbie Estrada, a 2010 Leadership Porterville class member came forward and introduced herself to the Council.
• Sam Cohen, on behalf of the Tule River Tribe, advised that he was available for questions on Item No. 10.
• Joe Moreno, spoke in favor of Item Nos. 27 and 28 and requested Council’s approval.
• Adrian Monte Reyes, a class member of the Leadership Porterville Class of 2010, came forward and introduced himself.
• Richard Sanchez, a class member of the Leadership Porterville Class of 2010, came forward and introduced himself.
• Dick Eckhoff, business address 197 N. Main Street, 1) clarified that his comments in the Minutes of March 16, 2010 regarding the Transactions and Use Tax Oversight Committee’s findings should reflect that he was speaking as a Committee Member; and 2) spoke against the citizen request for tree removal in Item No. 25.
• Augie Gonzalez, requested that he be considered for appointment on the Transactions and Use Tax Oversight Committee; and thanked the community for their support while his son is being treated for Lymphoma.
• Daniel (last name inaudible), a Porterville Youth Council Member, introduced himself to the Council.
• Adrian Martinez, a Porterville Youth Council Member, introduced himself to the
Lisa Day, a Porterville resident, voiced concern with the Fireworks ordinance recently adopted.

CONSENT CALENDAR

Items 10, 13 and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF MARCH 16, 2010

Recommendation: That the City Council approve the Minutes of March 16, 2010.

Documentation: M.O. 02-042010
Disposition: Approved

2. CLAIM – BRIAN HULSTINE

Recommendation: That the City 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. 03-042010
Disposition: Approved

3. CLAIM – CATHY CONNER, RANDALL STEEN, AND DAVID STEEN

Recommendation: That the City 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. 04-042010
Disposition: Approved

4. BUDGET ADJUSTMENTS FOR THE 2009-10 FISCAL YEAR

Recommendation: That the City Council approve the attached budget adjustments, and authorize staff to modify the expenditure estimates as described on the schedule provided.

Documentation: M.O. 05-042010
Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET SEWER AND WATER EXTENSION PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended plans and project manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize staff to appropriate the necessary funds from the Water Replacement Fund during the construction award process.

Documentation: M.O. 06-042010
Disposition: Approved

6. AUTHORIZATION TO REJECT BIDS AND RE-ADVERTISE – CNG PICKUP TRUCKS

Recommendation: That the City Council reject all four (4) bids for the six (6) one-half tone full-size pickup trucks with CNG conversion and authorize staff to re-advertise the equipment.

Documentation: M.O. 07-042010
Disposition: Approved

7. AWARD OF CONTRACT – SOLAR PANEL RADAR SPEED SIGNS

Recommendation: That the City Council:
1. Award the Solar Panel Radar Speed Sign Project to FLASHCO, Inc. in the amount of $20,736.328;
2. Authorize full payment upon delivery of all materials, software and warranties;
3. Authorize an expenditure of $464 for construction administration;
4. Direct the Finance Director to prepare a budget to the 2009/2010 Annual Budget in the amount of $20,736.28; and
5. Direct the Finance Director to reimburse the Street Sign Upgrade Account upon receipt of the SR2S grand funds.

Documentation: M.O. 08-042010
Disposition: Approved


Recommendation: That the City Council adopt the corrected Resolution to Nadine Hardaway, aka Margaret Nadine Hardaway Revocable Living Trust dated October 28, 2000 for purchase of property located at APN 269-120-006.

Documentation: Resolution 45-2010
Disposition: Approved

9. ADOPT RESOLUTION FOR ACQUISITION OF RIGHT OF WAY – PROPERTY LOCATED AT APN 269-130-001 – STANLEY M. NOBLE, SUCCESSOR

Page 4 of 14
TRUSTEE OF THE ISAAC GONZALEZ RESIDENCE TRUST, CREATED UNDER THE EDWARD B. CORNELL AND ELIZABETH F. CORNELL REVOCABLE TRUST DATES APRIL 6, 1989 – JAYE STREET – HWY 190 TO GIBBONS PROJECT

Recommendation: That the City Council adopt the corrected Resolution to Stanley M. Noble, Successor Trustee of the Isaac Gonzalez Residence Trust created under the Edward B. Cornell and Elizabeth F. Cornell Revocable Trust dated April 6, 1989, for the purchase of property located at APN 269-130-001.

Documentation: Resolution 46-2010
Disposition: Approved

11. APPROVE AIRPORT LEASE – LOT 61A

Recommendation: That the City Council approve the draft Lease Agreement between the City of Porterville and Central Valley Mortgage Services, Inc., for Lot 61A at the Porterville Municipal Airport.

Documentation: M.O. 09-042010
Disposition: Approved

12. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: That the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

Documentation: Resolution 47-2010
Disposition: Approved

15. REQUEST FOR SPONSORSHIP OF THE THIRD ANNUAL PORTERVILLE MUNICIPAL AIRPORT FLY-IN AND EAGLE MOUNTAIN AIRSHOW

Recommendation: That the City Council authorize the City to provide insurance for the Air Show from Risk Management and General Fund sources in an amount set by the City’s Risk Manager, and allocate the remainder of $7,500 from General Fund sources to support Airshow logistics and operations.

Documentation: M.O. 10-042010
Disposition: Approved

16. APPROVAL FOR COMMUNITY CIVIC EVENT – ANNUAL PORTERVILLE FAIR – MAY 12-16, 2010

Recommendation: That the City Council:
1. Approve the Community Civic Event Application and Agreement from
the Porterville Community Fair Board, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit ‘A’; and

2. Approve the use of the parking lot on the south side of Olive Avenue and bare ground south of that parking lot for fair patron parking and set up from May 12 – 16, 2010.

Documentation: M.O. 11-042010
Disposition: Approved

17. APPROVAL FOR COMMUNITY CIVIC EVENT – 2010 AMGEN TOUR OF CALIFORNIA AND RELATED EVENTS – MAY 20, 2010

Recommendation: That the City Council approve the AMGEN Tour of California and related events, subject to the restrictions and requirements contained in the application, agreement, Exhibit “A”.

Documentation: M.O. 12-042010
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1 through 9, 11, 12, and 15 through 17. The motion carried unanimously.

10. REPORT – COOPERATION AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE TULE RIVER INDIAN TRIBE

Recommendation: Informational Report only.

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

- Sam Cohen, Tribal representative, thanked the City for working with the tribe in a cooperative manner.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council accept the informational report. The motion carried unanimously.

Disposition: Approved

13. VISALIA’S HAZ-MAT RESPONSE TEAM

Recommendation: Informational Report only.

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

City Manager Lollis addressed questions from Council Member Hamilton, who indicated
that he would like the Council to approve a resolution opposing the action of the County regarding
the haz-mat service.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council
M.O. 14-042010 Member Felipe Martinez that the City Council direct staff to draft a
resolution opposing the County’s action, and bring back for consideration
at the meeting of May 4, 2010. The motion carried unanimously.

Disposition: Direction given.

14. PORTERVILLE YOUTH FOOTBALL PLAYING FIELD DEVELOPMENT

Recommendation: That the City Council accept the informational report, and approve the use of
temporary lighting at the Sports Complex by Porterville Youth Football.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member
M.O. 15-042010 Hamilton that the City Council accept the informational report, and
approve the use of temporary lighting at the Sports Complex by
Porterville Youth Football. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

18. RECONSIDERATION OF ORDINANCE 1761, PERTAINING TO FIREWORKS

Recommendation: None

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew
advised the Council of its procedural options.

The public hearing opened at 8:09 p.m. Seeing no one, the hearing was closed at 8:10 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council
M.O. 16-042010 Member Felipe Martinez that the City Council reconsider Ordinance
1761, Pertaining to Fireworks. The motion carried unanimously.

A discussion ensued regarding the initial consideration of, and subsequent adoption of
Ordinance 1761, and the circumstances which prompted the Council to review the fireworks
ordinance. City Manager Lollis spoke of concerns which had been raised regarding the locations
and proximity of booths within the city and the county. He identified the issue as specific to
Porterville in that there was significant interest amongst non-profit organizations to participate in the
annual firework booth lottery. Fire Marshal Loran Blasdell provided the Council with additional
information regarding the lottery process and negotiations for booth locations.

- Donnette Silva Carter, Chamber of Commerce CEO, came forward and shared concerns that had
been communicated to the Chamber by other non-profits, and suggested that a meeting of the non-profits be scheduled to allow for feedback.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council adopt Ordinance 1763, give first reading to the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING ORDINANCE 1761 PERTAINING TO FIREWORKS, waive further reading, and order the ordinance to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Ordinance 1761 repealed.

The Council recessed for ten minutes.

19. **PORTERVILLE DEVELOPMENT CODE: A REQUEST FOR APPROVAL OF A COMPREHENSIVE DEVELOPMENT CODE INCORPORATING ZONING, SUBDIVISIONS, DOWNTOWN DESIGN, ZONING MAP AND RELATED ORDINANCES**

Recommendation: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance;
2. Waive further reading and order the Ordinance to print; and
3. Adopt the proposed resolution for the Downtown Design Guidelines.

City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report with the assistance of Assistant Planner Jenni Byers.

The public hearing was opened at 9:18 p.m.

- Dennis Townsend, Townsend Architectural Group, 633 N. Westwood, thanked the Community Development Director and staff for their significant efforts; and lauded the constructive process taken.

- Jim Winton, 150 W. Morton, voiced appreciation for the inclusive approach taken throughout the process, and commented on the limited amount of time provided to review the document.

The public hearing was closed at 9:23 p.m.

Community Development Director Dunlap advised of community participation in the development process via a Zoning Ordinance Update Advisory Committee comprised of stakeholders in the community, and a Technical Committee comprised of local architects and engineers that utilize the Code.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council
Ordinance 1764
Member Felipe Martinez that the City Council approve the proposed ordinance for the Development Code, give first reading to the draft ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING A COMPREHENSIVE DEVELOPMENT CODE INCORPORATING ZONING, SUBDIVISIONS, DOWNTOWN DESIGN, ZONING MAP AND RELATED ORDINANCES, waive further reading and order the ordinance to print; and approve the proposed resolution for the Downtown Design Guidelines. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

20. ADOPTION OF THE CITY OF PORTERVILLE 2009-2014 HOUSING ELEMENT AND NEGATIVE DECLARATION

Recommendation: That the City Council open the public hearing and continue the public hearing to May 4, 2010, allow the Department of Housing and Community Development additional time to complete its review of the Draft City of Porterville 2009-2014 Housing Element.

City Manager Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

The public hearing was opened at 9:30 p.m. Seeing no one, the hearing was continued to the meeting of May 4, 2010 without objection.


SCHEDULED MATTERS

21. CONSIDERATION OF APPOINTMENT TO FILL COUNCIL MEMBER VACANCY

Recommendation: That the City Council consider the appointment to fill the vacant office on Council, including any method or process to be utilized.

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

Council Member Felipe Martinez made a motion to appoint Robert Perez, which died for lack of a second.

COUNCIL ACTION:
M.O. 17-042010 MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council appoint Ron Irish to the Council.

AYES: McCracken, Hamilton, Ward
NOES: F. Martinez

Page 9 of 14
ABSENT: None
ABSTAIN: None

Disposition: Ronald L. Irish appointed to fill the unexpired term of Council Member Pedro Martinez.

Mr. Ron Irish was sworn into office by the Chief Deputy City Clerk and took his seat on the dais.

The Council recessed for ten minutes.

22. CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council:
1. Appoint five members of the public to fill five four-year term seats on the Transaction and Use Tax Oversight Committee;
2. Appoint one member of the public to fill the unexpired term of Member Josef Guerrero; and
3. Direct the City Clerk to notify all interested individuals of the Council’s action.

City Manager Lollis introduced the item, and Administrative Services Manager Patrice Hildreth presented the staff report.

The Mayor asked that individuals in the audience with an interest of serving on the committee come forward and communicate their interest to the Council.

- Khris Saleh, 1206 W. Westfield, indicated that he was interested in serving.
- Adrian Monte Reyes, 44 S. Park, indicated that he too was interested in serving.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Felipe Martinez that the City Council appoint: Dick Eckhoff, Gary Mekeel, Charles Webber, Mike Pavone, and Augustine Gonzalez to 4-year terms; Khris Saleh to unexpired term of J. Guerrero; and Adrian Monte Reyes to unexpired term of J. Irish. The motion carried unanimously.

Disposition: Members appointed.

23. APPROVAL OF JOINT POWERS AGREEMENT (JPA) – TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG)

Recommendation: That the City Council:
1. Review the full breadth of amendments as described in Mr. Smalley’s March 24, 2010 memorandum and in particular, the issues highlighted in staff’s report.
2. Consider approval and authorize the Mayor to execute the attached “Tulare County Association of Governments Joint Powers Agreement” resolution; and
3. Authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez. Following the report, City Manager Lollis informed the Council that the City of Visalia’s Council had authorized their mayor to sign the agreement providing that the JPA did not authorize TCAG to acquire, maintain and dispose of real property.

Council Member Felipe Martinez reported on the last TCAG meeting and informed the Council that the agreement would have to be approved by all the cities in order to pass.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve the Joint Powers Agreement with the exception of 2(j), and authorize the Mayor to sign the agreement if amended to remove 2(j). The motion carried unanimously.

Disposition: Approved, as amended.

24. APPROVAL OF MURRY PARK CONCESSION LICENSE

Recommendation: That the City Council consider approval of the Concession License with Richard Sanchez, and authorize and direct the Mayor to execute same.

City Manager Lollis introduced the item, and Leisure Services Superintendent Donnie Moore presented the staff report.

Mayor McCracken inquired if a provision was included which would require a license from the Tulare County Health Department for operating a concession stand for prepared food. Staff indicated that the applicant had been informed of code requirements and was willing to comply. City Attorney Lew advised that language be added to make the requirement explicit.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Vice Mayor Ward that the City Council approve the Concession License with Richard Sanchez, as amended to require licensee to comply with all state and county statutes and regulations, including but not limited to health regulations. The motion carried unanimously.

Disposition: Approved, as amended.

25. APPEAL OF STREET TREE REMOVAL DENIAL AT 182 N. MAIN

Recommendation: That the City Council uphold the Parks & Leisure Services Commission denial of a request to remove a tree at 182 N. Main.
City Manager Lollis introduced the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

The Council discussed options and restrictions for signage.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council uphold the Parks and Leisure Services Commission denial of a request to remove a tree at 182 N. Main. The motion carried unanimously.

Disposition: Approved

**26. ALERT TC (REVERSE 911)**

**Recommendation:** That the City Council:

1. Enter into an agreement with Tulare County and commit the appropriate funding for the City’s cost share of the Telephone Emergency Notification System; and

2. Identify a funding source in the coming budget development process.

City Manager Lollis introduced the item, and Fire Chief Mario Garcia presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council enter into an agreement with Tulare County and commit the appropriate funding for the City’s cost share of the Telephone Emergency Notification System; and identify a funding source in the coming budget development process. The motion carried unanimously.

Disposition: Approved

**27. FORMALIZING A YOUTH COMMISSION**

**Recommendation:** That the City Council consider the alternative roles as well as the formal establishment options for a Youth Commission, and direct staff on how to proceed.

City Manager Lollis introduced the item, and Leisure Services Superintendent Moore presented the staff report. At the Council’s request, Mr. Moore provided a brief report regarding the Youth Voice Conference, and addressed questions regarding costs associated with the commission.

- Khris Saleh, address on record, suggested that the City Council continue the item to the next regular meeting when the Youth Commission would be presenting its annual report.

The item was continued, without objection.
Disposition: Item continued to May 4, 2010.

28. COUNCIL MEMBER REQUESTED ITEM – CONSIDERATION OF ESTABLISHING AN ARTS COMMISSION AS AN ADVISORY BODY TO THE CITY COUNCIL

Recommendation: That the City Council consider authorizing the establishment of an Arts Commission as an Advisory Body to the City Council.

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

Vice Mayor Ward requested that the item be continued to allow Council Member Irish the opportunity to review the matter. The item was continued, without objection to the meeting of May 4, 2010.

Disposition: Item continued to May 4, 2010.

29. EMERGENCY ITEM: DESIGNATION OF COUNCIL MEMBER TO SERVE ON CONSOLIDATED WASTE MANAGEMENT AUTHORITY BOARD

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor M.O. 23-042010 Ward that the City Council designated Vice Mayor Ward to serve on the Consolidated Waste Management Authority Board; Mayor McCracken to serve at the alternate; and direct staff to notify the CWMA. The motion carried unanimously.

Disposition: Board member designated; and staff direction given.

ORAL COMMUNICATIONS
- Dick Eckhoff, address on record, thanked the Council for upholding the decision against tree removal; and thanked the Council for his reappointment to the Transactions and Use Tax Oversight Committee.

OTHER MATTERS
- Council Member Irish thanked the City Council Members for their support, and former Council Member Pedro Martinez for his confidence.
- Council Member Hamilton spoke of the recently held event at SCICON.
- Council Member Felipe Martinez spoke of the Garden Tea Party held at the Zalud House.
- Vice Mayor Ward, 1) spoke of his daughter’s first birthday; 2) commented on his attendance at the Tea Party recently held at Centennial Park; 3) voiced appreciation for citizen involvement; and 4) lauded the Spring Ball honoring veterans.
- Mayor McCracken lauded Rotary’s Spring Ball.

ADJOURNMENT
The Council adjourned at 11:04 p.m. to the meeting of May 4, 2010 at 6:00 p.m.

SEAL

______________________________________
Luisa Herrera, Deputy City Clerk

______________________________________
Pete V. McCracken, Mayor