PORTERVILLE CITY COUNCIL MEETING
REGULAR MEETING OCTOBER 15, 2002
CITY HALL COUNCIL CHAMBERS

Call to Order: 7:00 p.m.
Pledge of Allegiance: Mayor Pro Tem Virginia Gurrola
Invocation: Pastor John Eby, First Baptist Church
Roll Call: West, Joyner, Hamilton, Woods
Absent: Gurrola

PRESENTATIONS

Employee Service Awards:
   Ernie Garay, 25 years
   Susan Slayton, 10 years
   Randy Rouda, 5 years

Featured Projects:
The City Manager presented the five featured projects for the month of October, 2002:
1. Corporation Yard Repaving (parking lot behind the Corporation Yard office)
2. Waste Discharge Requirements
   • Percolation Pond Project
   • Monitor Well Project
3. St. James Place (HOME Project)
4. Literacy Center
5. Adoption of Charter Amendments

PROCLAMATION

“Red Ribbon Week” - October 23-31, 2002

WRITTEN COMMUNICATIONS
   There were no Written Communications.

ORAL COMMUNICATIONS
   There were no Oral Communications.

CONSENT CALENDAR
All items were voted upon simultaneously on a Consent Calendar basis. Item Numbers 23 and 26 were removed from the Consent Calendar for the purpose of discussion.

   1. MINUTES OF OCTOBER 1, 2002

Disposition: Approved.
Document No.: Minute Order No. 01-101502
2. CLAIRM - STEPHANIE YOST

Recommendation: That the Council reject said claim, and refer the matter to the City's insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Disposition: Approved.
Document No.: Minute Order No. 02-101502

3. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Director of Finance to issue payment for same upon satisfactory delivery.

Disposition: Approved.
Document No.: Minute Order No. 03-101502

4. BUDGET ADJUSTMENTS FOR THE 2002-03 FISCAL YEAR

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

Disposition: Approved.
Document No.: Minute Order No. 04-101502

5. AUTHORIZATION TO ADVERTISE FOR BIDS - ‘D’ STREET - HOCKETT STREET ALLEY RECONSTRUCTION PROJECT

Recommendation: That the City Council:
   1. Approve the Plans and Project Manual; and
   2. Authorize staff to advertise for bids on the project.

Disposition: Approved.
Document No.: Minute Order No. 05-101502

6. ACCEPTANCE OF CONSTRUCTION OF PORTERVILLE SPORTS COMPLEX

Recommendation: That the City Council:
   1. Accept the construction of the Porterville Sports Complex as complete;
   2. Authorize the filing of the Notice of Completion; and
   3. Approve the release of the 10% retention 35 days after recordation, provided no Stop Notices have been filed.

Disposition: Approved.
Document No.: Minute Order No. 06-101502
7. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - NO PARKING ZONE ON POPLAR AVENUE AT LONE OAK ESTATES SUBDIVISION


Disposition: Approved.
Document No.: Resolution No. 155-2002

8. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

Recommendation: That City Council:
1. Approve the submittal of a HOME Investment Partnership Program (HOME) funding application for $800,000 to the California Department of Housing and Community Development;
2. Authorize the Mayor to execute all documents pertaining to the HOME program; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U. S. Department of Housing and Urban Development for administration of the HOME program.

Disposition: Approved.
Document No.: Resolution No. 156-2002

9. PLANNING GRANT APPLICATION FOR WIDENING HIGHWAY 190 TO FOUR LANES FROM HIGHWAY 99 TO HIGHWAY 65

Recommendation: That City Council:
1. Amend the 2002/03 Annual Budget by appropriating $3,000 in Local Transportation Funds to the Highway 190 Project;
2. Award the contract to prepare the application for Transportation Planning Grant funds to Omni-Means;
3. Authorize making the application a joint effort with other community partners;
4. Pass the draft resolution; and
5. Authorize the Mayor to sign the grant application and the resolution.

Disposition: Approved.
Document No.: Resolution No. 157-2002
10. **REQUEST TO PURCHASE AIRPORT INDUSTRIAL SITE – 1995 GRIDLEY REVOCABLE TRUST**

Recommendation: That City Council:
1. Authorize and approve the sale of the subject industrial site, Lot #40 (estimated to be 22,000 square feet), in the Airport Industrial Park to Adelbert J. Gridley and Frances B. Gridley, individually and co-trustees for the 1995 Gridley Revocable Trust, and authorize staff to begin escrow; and
2. Authorize the termination of the existing land lease for Lot #40, with no penalty to the lessee, at such time as the sale of the industrial site is complete; and
3. Authorize the Mayor to sign all documents and agreements necessary to complete the project; and
4. Authorize staff to record all documents with the County Recorder.

Disposition: Approved.  
Document No.: Resolution No. 158-2002

11. **AIRPORT LEASE AMENDMENT - LOT 43 (LEONARD ALOGNA)**

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.  
Document No.: Minute Order No. 07-101502

12. **AIRPORT LEASE AMENDMENT - LOT 45 (MICHAEL ARCHER AND FRANKIE L. ARCHER)**

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.  
Document No.: Minute Order No. 08-101502

13. **AIRPORT LEASE AMENDMENT - LOT 40 (WALTER D. BURLESON AND GEORGE W. BURLESON)**

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.  
Document No.: Minute Order No. 09-101502
14. AIRPORT LEASE AMENDMENT - LOT 44A (BENNY CANNELLA)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order No. 10-101502

15. AIRPORT LEASE AMENDMENT - LOT 39 (BEN FAVRHOLEDT)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order No. 11-101502

16. AIRPORT LEASE AMENDMENT - LOT 34E (CHARLES F. HUTCHINS AND MARILYN J. HUTCHINS)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order No. 12-101502

17. AIRPORT LEASE AMENDMENT - LOT 44C (STEVEN HUTH)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order No. 13-101502

18. AIRPORT LEASE AMENDMENT - LOT 34F (STEVEN HUTH AND MICHAEL QUATAKER)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order No. 14-101502
19. AIRPORT LEASE AMENDMENT - LOT 46B (DONALD M. MATTHEWS AND MARJORIE E. MATTHEWS)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order No. 15-101502

20. AIRPORT LEASE AMENDMENT - LOT 44B (AL QUATAKER)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order No. 16-101502

21. AIRPORT LEASE AMENDMENT - LOT 46D (WILLIAM L. VANDERSANDE)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.

Disposition: Approved.
Document No.: Minute Order 17-101502

22. LEASE AGREEMENT FOR 304 NORTH MAIN STREET

Recommendation: That the Council authorize the Mayor to execute the draft lease agreement.

Disposition: Approved.
Document No.: Minute Order 18-101502

24. DON KAVADAS PLAYGROUND/SPORTS COMPLEX

Recommendation: That the City Council approve the Don Kavadas playground to be located at the Porterville Sports Complex.

Disposition: Approved.
Document No.: Minute Order 19-101502

25. SPORTS COMPLEX RULES AND HOURS OF OPERATION

Recommendation: That the City Council approve the Sports Complex Rules and Hours of Operation.

Disposition: Approved.
27. **RE-APPOINTMENT OF LIBRARY BOARD MEMBER**

Recommendation: That the City Council re-appoint Margaret Slattery to the Porterville Public Library Board of Trustees.

Disposition: Approved.

Document No.: Minute Order 21-101502

28. **APPROVING RESOLUTION FOR THE TULE RIVER WETLANDS REVITALIZATION - PHASE IV**

Recommendation: That City Council approve the attached Resolution for the Tule River Wetlands Revitalization - Phase IV.

Disposition: Approved.

Document No.: Resolution No. 159-2002

29. **C.O.L.T. FIXED ROUTE BUS SYSTEM/VETERANS’ DAY PARADE**

Recommendation: Consistent with past practice, that the Council approve the temporary suspension of the Fixed Route Bus System during its normal operating hours on Monday, November 11, 2002.

Disposition: Approved.

Document No.: Minute Order No. 22-101502


COUNCIL ACTION MOVED by Council Member West, SECONDED by Council Member Joyner that the Council approve Item Numbers 1 through 22, 24, 25 and 27 through 29a of the Consent Calendar.

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
23. REQUEST TO AMEND THE BINGO ORDINANCE

Recommendation: That the City Council set the date of November 5, 2002, as the date for the public hearing to take testimony on the proposed amendment to City Code Section 15-20(d)(22), as it relates to the expansion of hours of operation for Bingo games.

The City Manager clarified that changing the hours of operation was consistent with State law.

COUNCIL ACTION MOVED by Council Member Joyner, SECONDED by Council Member West that the Council set the date of November 5, 2002, as the date for the public hearing to take testimony on the proposed amendment to City Code Section 15-20(d)(22), as it relates to the expansion of hours of operation for Bingo games.

M. O. 23-101502

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

Disposition: Approved.

26. SKATE PARK FUND RAISING PROGRAM

Recommendation: That the City Council approve the Parks and Leisure Services Commission Fund-Raising Campaign for the Skate Park.

Mayor Woods stated that he wished to start off the fund-raising by giving a $1,000 check to Mr. Meachum. The Mayor then presented the check.

COUNCIL ACTION MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve the Parks and Leisure Services Commission Fund-Raising Campaign for the Skate Park.

M. O. 24-101502

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

Disposition: Approved.
PUBLIC HEARINGS

30. POLITICAL SIGN REGULATIONS

Recommendation: If the Council wishes to modify the political sign regulations, it is recommended that Option No. 3 be adopted.

The City Manager introduced the item, and the Community Development Director gave the staff report which addressed the issue of increasing the maximum allowable size of political signs in residential zones. Presently, such signs in residential districts cannot exceed four square feet in area per sign. The proposed amendment would allow political signs in residential zones consisting of 36-inch by 50-inch, or 12.5 square feet. He stated that based on the options presented, the City Council has a number of options to consider, which are as follows:

1. Take no action and maintain the existing standards pertaining to Promotional, Campaign and Political signs.

2. Take action to amend the ordinance to allow political signs consisting of up to 12.5 square feet in area in all residential zones regardless of location.

3. Take action to amend the ordinance to allow political signs consisting of up to 12.5 square feet in area in residential zones with frontage along an arterial or collector street as designated in the Circulation Element of the General Plan. The maximum allowable signs for other residential zoned properties would remain four (4) square feet.

4. Based on the survey information presented, direct staff to revise the ordinance to allow greater or fewer restrictions than that presented.

Mayor Woods opened the public hearing at 7:18 p.m. and asked those in favor to come forward. When no one came forward, the Mayor asked for those in opposition.

Ron Irish, 768 North Prospect, came forward representing several people who had asked him to voice an opinion on this matter. Mr. Irish stated that he has a couple of issues. He stated that he had campaigned a couple of times, and the smaller signs had gotten them elected. He stated that there seemed to be very little in the way of control in the signs—in the last election there were some places in residential areas where eight to fifteen signs were stacked up for any one candidate in one yard. He stated that he was afraid that if they went to larger signs, there would be even less control. He stated that he also thought it would be a real safety hazard. The next election would have four seats open, so in every residential area, there was a possibility of four signs, if not more, in each residential area. Mr. Irish then displayed the actual size of the current sign allowed, and the proposed 12.5 square foot sign. He stated that they had received more complaints from citizens about the signs in the last election. He stated that ten to twelve of the larger signs stacked up in a yard would be a hazard as compared to the smaller signs. Mr. Irish stated that he felt the 12.5 foot signs were much too large for a residential area. He stated that there was plenty of sign size for the commercial areas. He suggested that Council leave the sign size as it was.
Mayor Woods stated that Mr. McCracken had written a comprehensive letter to the Council, and he asked Mr. McCracken to read it into the record.

Pete McCracken, 657 Village Green, stated he did not have a copy with him. He stated that basically what the letter covered was that the commercially available signs for yard signs top out at just under five square feet. The next category was road signs from four square feet to thirty-two square feet. He stated that presently to get commercially made signs, the next step up was sixteen square feet. If the Council found it in the best interest of the citizens to have larger signs in residential areas, which he didn’t agree with, it would be better to increase to a commercially available size of sixteen square feet, instead of setting the size at 12.5 square feet, which presently was a custom made sign in terms of candidates. He stated that he didn’t think the Council wanted to start putting ordinances into place that would restrict people or cause people higher costs to campaign. He stated that the Council should increase the size to a commercially available size, if they chose to approve the larger signs.

Mark Partlow, Exalted Ruler of the Porterville Elks Lodge, came forward and stated that he would like to put his utmost support behind Ron Irish’s proposal. He stated that it was what the City needed.

Mayor Woods closed the hearing to the public at 7:25 p.m.

Council Member West stated that the signs had been in effect for sixteen years, and the public would be the defender of the signs—if they wanted them in their yard, they should be able to. He stated that he had not heard any complaints that people talked about. He stated that there were four by eight signs in residential areas at this minute. He stated that the thing about increasing it to 12.5, they could get four pieces, at thirty-two inches, out of a four by eight sheet. Council Member West made the motion to accept Option No. 2.

Mayor Woods stated that they hadn’t closed the comment period.

Mayor Woods stated that it was serious when then started trifling with ordinances that have stood the City in good stead for a long period of time. He stated that he felt there was a lot of self-serving involved here. He stated that he could assert a couple of ethical paradigms—the first might be “does this benefit a few people, or does this benefit the community?”, another paradigm might be “does this represent a short term solution, or a long term solution?” Mayor Woods stated that he was concerned about the ethics of this motion.

Mayor Woods closed the public hearing at 7:28 p.m.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Joyner that the Council approve Option No. 2 to take action to amend the ordinance to allow political signs consisting of up to 12.5 square feet in area in all residential zones regardless of location.

AYES: West, Joyner
NOES: Hamilton, Woods
ABSENT: Gurrola
ABSTAIN: None

Mayor Woods stated that the motion failed for lack of a majority vote.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council approve Option No. 3 to take action to amend the ordinance to allow political signs consisting of up to 12.5 square feet in area in residential zones with frontage along an arterial or collector street as designated in the Circulation Element of the General Plan. The maximum allowable signs for other residential zoned properties would remain four (4) square feet.

AYES: West, Joyner, Hamilton
NOES: Woods
ABSENT: Gurrola
ABSTAIN: None

The City Manager read Ordinance No. 1622 by title only.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council waive further reading of the Ordinance.

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

Ordinance No. 1622

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council order Ordinance 1622 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE 20, SECTION 2012 OF THE ZONING ORDINANCE PERTAINING TO PROMOTIONAL, CAMPAIGN AND POLITICAL SIGN REGULATIONS.

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

**Disposition:** Ordered to Print.

31. PORTERVILLE PUBLIC LIBRARY INTERNET USE POLICY

Recommendation: That Council approve the Library’s Internet Use Policy to be in compliance with the Children’s Internet Protection Act.
The City Manager introduced the item and the Parks and Leisure Services Director gave the staff report.

Mayor Woods opened the public hearing at 7:30 p.m. and closed the hearing at 7:30 p.m. when no one wished to speak.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve the Library’s Internet Use Policy to be in compliance with the Children’s Internet Protection Act.

Resolution 160-2002

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

Disposition: Approved.

SECOND READING

32. ORDNANCE NO. 1621, ZONE CHANGE 2-2002 (DON FORRESTER)

Recommendation: That Council give Second Reading to Ordinance No. 1621, waive further reading, and adopt said Ordinance.

The City Manager read Ordinance No 1621, by title only.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council waive further reading of the Ordinance.

Ordinance No. 1621

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

MOVED by Council Member West, SECONDED by Council Member Joyner that the Council adopt Ordinance 1621, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2-2002 BEING A CHANGE OF ZONING FROM COUNTY C-2 (GENERAL COMMERCIAL) TO CITY C-2 (CENTRAL COMMERCIAL) FOR AN EXISTING DEVELOPED MINIMART, SELF SERVICE GAS PUMPS AND CAR WASH CONSISTING OF 2.29+ ACRES AND A CHANGE OF ZONE FROM COUNTY C2-SC (GENERAL COMMERCIAL-SCENIC CORRIDOR) TO CITY C-2 (CENTRAL COMMERCIAL) FOR AN EXISTING 1.48± ACRE SITE DEVELOPED WITH A SINGLE FAMILY DWELLING FOR THOSE TWO SITES GENERALLY
LOCATED AT THE SOUTHEAST CORNER OF PLANO STREET AND POPLAR ROAD.

AYES:       West, Joyner, Hamilton, Woods
NOES:       None
ABSENT:     Gurrola
ABSTAIN:    None

Disposition: Approved.

SCHEDULED MATTERS

33. PUBLIC TRANSPORTATION CONTRACT WITH SIERRA MANAGEMENT

Recommendation: That Council authorize:

(1) Effective July 1, 2002:
   (a) The increase in the Demand-Response Vehicle Revenue Hourly Rate to $13.93;
   (b) The increase in the Fixed Route Vehicle Revenue Hourly Rate to $13.89, plus the amount of $3,000 per year for Tripper Buses;
   (c) The sum of $30,151.06 in monthly Fixed Costs, to be divided equally between the two systems;

(2) Effective November 11, 2002:
   (a) Operating a “Saturday” schedule for Demand-Response and Fixed Route for all holidays on which public transportation is provided;

(3) Effective January 1, 2003:
   (a) A fare increase for Demand-Response and Fixed Route as outlined in “Increase No. 1,” which increases would bring the system in line with the Cities of Visalia and Tulare for Fixed Route, and with the City of Visalia for Demand-Response;

(4) Effective November 1, 2002:
   (a) The transfer of sufficient gas tax revenue to fund the difference needed to balance this year’s transit budget to cover the increase in operating costs, which sum of $147,500 would be transferred from the Lime Street Project to the Transit Budget;

(5) The City’s Contract with Sierra Management be amended to reflect changes A and B above; that Contract Fees be reviewed annually; and if warranted; adjusted; and that the Mayor be authorized to execute the amended Agreement on behalf of the City of Porterville.

The City Manager introduced the item and the Deputy City Manager presented the staff report.
Council Member West stated that the City needed to look at the costs and review them more closely.

The Deputy City Manager stated that Sierra Management recognized that the rise in costs were dramatic, and they welcomed the City to look at their books.

Mayor Woods stated that Sierra Management had operated the Transit System very frugally, and had a real problem with losing staff to the casino.

Council questioned whether the City had looked at operating the Transit System themselves.

The Deputy City Manager spoke about the higher costs of running a System, such as the City of Tulare had to when their vendor walked off the job. He reviewed some of the costs of training and retaining staff.

Steve Tree, Sierra Management, 165 N. Third Street, spoke to the Council regarding the increased costs for workers compensation insurance and liability insurance.

Council Member West stated that he would like to have a closed session on this item.

The City Attorney clarified that it would not qualify for a closed session.

Council Member West questioned whether the contractor would be back in three months for another raise.

Mayor Woods stated that his costs had been going up expediencially.

The Deputy City Manager stated that the agreement was for another year, and the contractor had gotten in his request in a timely manner.

Council Member West stated that they needed to take a serious look at this in-house.

The City Manager stated that it was important to have action on this matter. He recommended that Council take action on this matter that evening, and then a City Administrative Committee could work with Steve Tree quarterly on the question of costs and work on cost containment.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Council Member West that the Council authorize staff recommendation’s 1 through 5.

Resolution 162-2002

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

Disposition: Approved.
34. **RESOLUTION PROPOSING AMENDMENTS TO CHARTER AND RESCINDING PRIOR RESOLUTION ADOPTED SEPTEMBER 17, 2002**

Recommendation: The Council may do either of the following:
1. Adopt the new draft resolution, including the additional Measure for a majority vote to remove the Mayor.
2. Take no action. (Resolution No. 148-2002 then remains in effect.)

The City Manager presented the item and the City Attorney gave the staff report.

Pete McCracken, 657 Village Green, came forward and spoke on the City Charter Review Advisory Committee’s consideration and deliberations on the question of the number of votes required to remove the Mayor.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that Council adopt the new draft resolution, including the additional Measure for a majority vote to remove the Mayor.

Resolution 161-2002

| AYES:       | West, Joyner, Hamilton |
| NOES:       | Woods                  |
| ABSENT:     | Gurrola                |
| ABSTAIN:    | None                   |

Disposition: Approved.

35. **ECONOMIC DEVELOPMENT STRATEGIC PLAN (PORTERVILLE JOBS PLAN) UPDATE**

Recommendation: No action required. Report is an advisory update.

The Community Development Director presented the status report.

36. **INTERIM FINANCIAL STATUS REPORT**

Recommendation: Accept the interim financial status reports as presented.

The City Manager presented the item and the Administrative Services Director gave the staff report.

**COUNCIL ACTION**

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council accept the interim financial status reports as presented.

M. O. 20-101502

| AYES:       | West, Joyner, Hamilton, Woods |
| NOES:       | None                         |
Disposition: Approved.

37. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

The City Manager presented the item and the Administrative Services Director gave the staff report.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

M. O. No. 18-101502

AYES: West, Joyner, Hamilton, Woods
NOES: None
ABSENT: Gurrola
ABSTAIN: None

Disposition: Approved.

ORAL COMMUNICATIONS

Ron Irish, 768 North Prospect, spoke on the importance of public transportation to economic development and to the public.

OTHER MATTERS

There were no Other Matters.

CLOSED SESSION

Mayor Woods stated that after the Closed Session regarding the Fairgrounds, they would have a public discussion on the Porterville Fair. He stated that they would then go back to Closed Session for the second item, and there would be no reportable action after that.

The City Council adjourned to the Closed Session at 8:30 p.m.

The Council reconvened at 9:00 p.m.

29a. DISCUSSION REGARDING PORTERVILLE FAIR

Mayor Woods stated that Council was back to meet with Comision Honorifica and the Fair Board.

The City Manager stated that consistent with Closed Session, he had been directed, as the negotiator, along with the City Attorney and Mr. Meachum, to undertake and complete negotiation with the Fair Board. He stated that the proposal is presented with the following terms and conditions:

**AMENDMENT NO. 2 TO LICENSE AGREEMENT WITH TULARE COUNTY JUNIOR LIVESTOCK AND COMMUNITY FAIR, INC.**

This City of Porterville, a Charter Law City and Municipal Corporation (the “City”) and the Tulare County Junior Livestock and Community Fair, Inc., a California Corporation (the “Fair”), having entered into a License Agreement dated March 7, 2002, amended on April 17, 2001, make the following recitals and do hereby agree to further amend said Agreement.

**RECITALS**

WHEREAS, the Fair is in need of increased room and improved facilities in order to continue its mission for youth involvement and the implementation of the annual fair.

WHEREAS, the City recognizes the Fair’s mission and need and also the overall need to utilize the subject Grounds for the greatest benefit for all members of the Porterville Community.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the City and the Fair that the License Agreement effective March 7, 2000, and subsequently amended on April 17, 2001 be amended, to wit:

A. The terms pertaining to Parcels 2 and 4 in the March 7, 2000, Agreement are amended as follows:

1. The City hereby grants to the Fair, for a consideration, including the promises, covenants and undertakings as hereinafter set forth, to the extent permitted, and at all times subject to all requirements and restrictions applicable by law, an exclusive license to occupy, use and employ Parcels 2 and 4 as described in Exhibit “A”, excluding therefrom any public street, alley or way, during the term of this Agreement, and subject to the below-described conditions.
2. The Fair will not be entitled to construct, or cause to be constructed, any building or structure which would be considered permanent, or attached, to the real property known as Parcel 2 (other than what is currently allowed to be constructed under the March 7, 2000 Agreement) and Parcel 4, until December 31, 2007. Furthermore, the Fair is subject to all applicable City regulations concerning the construction and maintenance of any and all buildings and structures, with regard to all Parcels covered by the March 7, 2000 License Agreement and Amendments.

3. Notwithstanding No. 2, above, the Fair shall not commence any such construction until a replacement facility, consisting of a lighted practice field, for the City’s facility currently located on Parcel 4 is in place either on the Fair’s property located pursuant to Exhibit “B” (south of Olive Street) or on property otherwise designated by the City, and consistent with permitted uses on the property. After December 31, 2007, and after a replacement facility has been completed, the Fair shall be entitled to construct and maintain facilities as described in the March 7, 2000 Agreement, and shall be entitled to construct a multiple use banquet and exhibit hall.

4. The License Agreement entered into between the City and Comision Honorifica Mexicana Americana, Inc. ("CHMA") effective March 7, 2000, pertaining to Parcels 1 and 4, will remain in effect until the expiration of that Agreement, and CHMA shall have full use of the subject property for the period of April 25 through May 8 of each calendar year, as set forth in this Agreement with the City.

5. Until December 31, 2007, and the completion of a replacement facility as discussed above, the City shall be entitled to use Parcels 2 and 4 pursuant to the March 7, 2000 Agreement, excluding the period of the Annual Fair each calendar year. The City agrees to pay its share of maintenance costs with regard to its use of the property and agrees to enter into a separate agreement concerning these costs.

B. The Term of the March 7, 2000 Agreement is extended to December 31, 2032.

C. All other terms of the March 7, 2000 Agreement and any and all amendments, including but not limited to all terms applicable to Parcels 2 and 4, all terms concerning the construction, maintenance and removal of structures, buildings and improvements, and all terms concerning the bringing of livestock onto to the premises shall be effective and applicable to all Parcels including Parcels 2 and 4 unless otherwise subsequently modified in writing by the parties.

D. The City will cooperate with the Fair Board concerning Parcel 1, consistent with other applicable Amendments, Agreements and Licenses, to the extent that relocation of the current baseball park is determined by the City to be feasible. As of January 1, 2016, the Fair shall have an Option for a License to occupy, use and employ Parcel 1 as described in Exhibit “A” if a separate replacement facility for the City’s ball park currently located on Parcel 1 has been constructed, if the Fair has produced an acceptable plan for development of Parcel 1, if a multi-use facility has been constructed by the Fair on Parcel 4, and if all other obligations and requirements under the Agreement and all Amendments have been and are continuing to be met. Any expansion of the License pertaining to Parcel 1 that is currently inconsistent with the City’s use of the baseball park shall not occur until an adequate replacement facility is constructed by the City.

E. Basically pertains to the adoption provision.
Mayor Woods asked if the prospective groups could meet and discuss this for ten minutes and then appoint a spokesman to address the Council.

Teresa de la Rosa, President of Comision Honorifica Mexicana Americana, Inc., 450 West Alice, stated that they had met yesterday with the City Manager regarding an amendment to the agreement with the Fair in regard to the use of several parcels. She stated that she was present at the request of her Board to express their concerns about the amendment. Mrs. de la Rosa then clarified with the City Manager that the last sentence of paragraph four that read “That the City and the Fair Board will cooperate with Comision Honorifica to ensure that the Annual Cinco de Mayo Celebration continues after the expiration of the current license between the City and Comision Honorifica on December 31, 2015” had been deleted. She expressed her concerns about Parcel 4, formerly the Horse Arena, which has been used for parking during the Cinco de Mayo festivities, and for access to Olive Avenue. She stated that granting an exclusive use to the Fair would preclude other non-profit organizations from using it, and if substantial improvement was a consideration for that parcel, then perhaps other organizations might be willing to raise the money to construct a multi-use facility. She questioned whether other organizations would have access to the Fair’s multi-use facility for a minimal fee. She stated that her Board wanted the Council to consider very carefully before exclusive rights was granted to the Fair. Mrs. de la Rosa stated that as they had less than twenty-four hours to read the material, and other organizations were not even aware that this was taking place, the Council should take the time to really study this exclusive licensing to the Fair at the expense of other community organizations—specifically limiting the Cinco de Mayo festivities which had been taking place for the last seventy-five years. She urged the Council not to make a decision that evening, and give an opportunity for other community organizations to be informed of what was taking place.

Mayor Woods stated that although there was an agreement pending with the Fair Board, there was an underlying agreement with the Comision that was good until 2015.

Mrs. de la Rosa stated that if the Fair started construction in 2007, they had only four years left before the construction takes place.

Mayor Woods stated that it was his understanding that the Comision had a good agreement until 2015, irrespective of the new agreement.

The City Manager stated that it was his understanding that the Comision had an agreement for the use of Parcel 4 by agreement with the City through 2015. So that provision was placed in this Agreement to emphasize that—that your agreement is good.

Mrs. de la Rosa asked for clarification on Paragraph 3.

The City Attorney stated that the Comision would have full use of that property, and whatever was on it through December 31, 2015. That may change what the property could be used for, so there may be valid concerns about parking issues with a building there; however, they would still have full use of that property. So the Comision would have access to a banquet and exhibit hall
built there. The City Attorney stated that the Comision would not pay fees on the Parcels within their license agreement.

Mayor Woods stated that the only way the Comision’s agreement could be modified was if they agreed to the modification.

Mrs. de la Rosa stated that she thought they paid fees to the Fair, and had been billed in the past.

The Parks and Leisure Services Director stated that they did pay fees on the facility permit based on their hours of lighting and those types of things, usage of the parking lot and that type of thing.

The City Attorney stated that she was referring to additional fees. It would not be any more than what they were already specifically required to pay under the current license agreement for the specific services that were in the license agreement until 2015.

Mrs. de la Rosa clarified that if any facilities were built on that piece of land, they would have access to it.

Elva Beltran, 24737 Avenue 80, Terra Bella, spoke about the PAL Program and their need for space. She stated that if anyone was getting free land, the Council should give it to the PAL Program. She stated that other non-profit groups should have the opportunity of knowing the land was available, and not just the Fair Board.

Roberto de la Rosa, 450 W. Alice, stated that the issue was whether the Fair represented the whole community. He questioned whether there was preferential treatment for the Fair Board over other community groups and other non-profit groups. He stated that it was up to the Council to determine whether the decision would be in the true spirit of doing this for the benefit of the greater community, and not to the exclusion of the majority of the groups that also need public facilities, property that is owned by the City, and paid by City taxpayers, and not solely for one group or the other. Mr. de la Rosa also mentioned that Comision Honorifica and the festivities for the mexicano-latino community started over seventy-five years ago, and Porterville Mayors have been signing resolutions stating that they were promoting good, interracial relations between them. Seventy-five years ago the Cinco de Mayo events were held on vacant lots, until they were finally able to get to the ball park and dignify the event and their presence as residents of this community, but what he saw now was very different. What he saw now was that they would be celebrating Cinco de Mayo the last time at the City park on Cinco de Mayo, 2014. Mr. de la Rosa stated that he didn’t see anything in this agreement from the City to them saying that the Comision would also have a place where they could go to celebrate Cinco de Mayo. He stated that they could be going back to the empty parking lots. He stated that whether the new baseball fields were going to be comparable to what they have, was theoretical at this point, but what was real was the document before them that evening, and that his grandchildren may not be celebrating Cinco de Mayo in 2015 the way they were used to celebrating it. Mr. de la Rosa stated that the issue was whether or not it was for the greatest benefit of the entire community or for a selected group.
A Fair Board representative stated that they were content with what had been proposed.

Mayor Woods clarified that this was just a discussion item with no action that evening, and staff would meet with the respective people and finalize these agreements. He stated that Mr. de la Rosa’s words were very well taken, they were especially cautious to try and be as inclusive as possible in the community, however in ten to fifteen years he suspected that Mr. de la Rosa would be sitting up there with a lot of other latinos and latinas.

Mr. Corkins stated that it was his understanding that action would be taken that evening.

Mayor Woods stated that they had in that everyone’s agreed. He stated that he was in receipt of the letter sent to the City Manager and the City Attorney and it had been reviewed.

Mr. Corkins stated that the Fair Board would accept what the Council had done that evening.

Joe Faure, 375 N. ‘E’ Street, stated that he was one of three partners that form a group called Plano Properties, which acquired the property to the south of the Fairgrounds in 1979, and subsequently sold the four acres to the Fair for use as a parking lot. They sold the lot for pennies on the dollar, and one of the conditions was an agreement from the Fair Board that it would be used only for parking with no improvements, and if the Fair ceased to operate, for a consideration of the sale price, they would have first right to buy it back until 2019. Mr. Faure stated that they were supportive of what the Fair was doing, and have no quarrel with anything they plan north of Olive Avenue, but were concerned about the south side of Olive Avenue, in that if they have to purchase it back for whatever reason, they not only have to give the Fair back the money they paid for it, but also have to pay for any improvements on it. It was strictly to be an all-weather parking lot. He stated that he was concerned about the part in paragraph three where it kind of directed the Fair to relocate something on that portion of property they own now.

Mayor Woods stated that staff had researched the property, and they were aware of the covenants. He stated that he hoped the responsible parties could make, or modify, the agreement with Plano Properties in time, if that was in order.

Mr. Faure stated that he was not present to negate anything the Fair was trying to do. He stated that he and Mr. Webb were deeply involved with the Fair, and to the extent they could help, as a partnership, to resolve any of the issues, and/or step out of their buyback agreement, they would be happy to be involved in any of the discussions.

Mayor Woods stated that he was sure that at the appropriate time there would be discussions on both the agreements.

Council Member Joyner stated that he would like to approve the action to enter into negotiation with the Fair Board to come to an agreement on this matter.

The City Attorney stated that a finalized agreement would be brought before the Council as there was no agenda item for final action on this.
The City Manager stated that he understood the action taken this evening was to proceed with the finalization of the draft, as appears on his desk, on the consent calendar at the next meeting.

Council concurred.

The Council adjourned at 9:32 p.m. back to Closed Session.

**ADJOURNMENT**

The Council reconvened at 10:01 p.m. and adjourned to October 22, 2002, at 6:00 p.m.

____________________________________
John Longley, City Clerk

SEAL

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Gordon T. Woods, Mayor