PORTERVILLE CITY COUNCIL MEETING  
REGULAR MEETING NOVEMBER 5, 2002  
CITY HALL COUNCIL CHAMBERS

Call to Order: 7:00 p.m.  
Pledge of Allegiance: Council Member Kelly West  
Invocation: Pastor Mike O’Berg Trinity Lutheran Church  
Roll Call: West, Joyner, Hamilton, Gurrola, Woods

PRESENTATIONS

A. WASTE REDUCTION AWARDS PROGRAM (WRAP) AWARDS:

Council presented the 2002 WRAP Awards to four local businesses: Target, Mervyns, Grocery Warehouse and Porterville Sheltered Workshop.

B. DONATION:

Monte Moore came forward and presented the City Manager with a check from the Porterville Rotary Club Foundation for a $50,000 grant from the Mark McGuire Foundation for Children. The check had been presented at the Tex and Monte’s Golf-a-Rama. Mr. Moore stated that the money was to be used for equipment only for youth programs.

PROCLAMATION

C. "AMERICA RECYCLES DAY" - November 15, 2002

WRITTEN COMMUNICATIONS

There were no Written Communications.

ORAL COMMUNICATIONS

D. Boyd Leavitt, 457 E. Oak, came forward and requested that the Council take the necessary action to have any known sex offenders living in the City of Porterville shown on the City’s map on the Megan’s Law website at www.Meganslaw.org. He stated that he wanted to make sure that the children of Porterville were protected. Mr. Leavitt stated that anyone wanting this information now had to go to the Sheriff’s Department and be supervised while they checked any listings.

Mayor Pro Tem Gurrola asked that staff bring back a report so Council could see when the City could get online.

E. Dick Eckoff, 28 East Oak, Chairman of the Downtown Porterville Association, came forward and spoke in support of Items 29, 40 and 41 and having the Christmas Lighting Program
downtown again this year. He stated that his Association urged the Council to continue these ceremonies.

F. Shawn Shellhase, 1400 block of North Highland Drive, came forward and requested a no parking area along the top of Highland Drive because of litter, graffiti, and fire hazards. He presented photographs to the Council.

The City Manager stated that staff would report to Council on this matter.

CONSENT CALENDAR
All items were voted upon simultaneously on a Consent Calendar basis. Item Numbers 1 and 28 were removed from the Consent Calendar for a separate vote.

2. 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. 01-110502

3. 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. 02-110502

4. AWARD CONTRACT - PLAYGROUND EQUIPMENT

Recommendation: That Council award the contract for playground equipment for the Sports Complex to Miracle Recreation Equipment of Bakersfield, CA, in the amount of $6,615.18. Further that Council authorize payment upon satisfactory delivery of the equipment.

Disposition: Approved.
Document No.: Minute Order No. 03-110502

5. AWARD OF CONTRACT/DESIGN SERVICE/ CART BARN

Recommendation: That the City Council award the Contract for Design Services required for the Porterville Municipal Golf Course cart barn and restroom disabled access to Hillman Building Designers, Inc.
1. Authorize the Mayor to execute the Contract prepared in accordance with the Scope of Service;
2. Authorize the Parks and Leisure Services Director to make monthly payments for work satisfactorily completed in accordance with the project schedule and Scope of Services; and
3. Authorize a 10% contingency to cover any unforeseen items.

Disposition: Approved.
Document No.: Minute Order No. 04-110502

6. AWARD OF CONTRACT FOR WATER MAIN LOOP, ‘A’ STREET TO PLANO STREET

Recommendation: That City Council:
1. Award the Highway 190 (Poplar Avenue) and Olive Avenue Water Main Projects to the second low bidder, Halopoff & Sons Inc., in the amount of $42,928.09;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Disposition: Approved.
Document No.: Minute Order No. 05-110502

7. ACCEPTANCE OF THE HENDERSON AVENUE AND OLIVE AVENUE REHABILITATION PROJECT

Recommendation: That City Council:
1. Accept the Henderson Avenue and Olive Avenue Rehabilitation 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. 06-110502

8. ACCEPTANCE OF THE PERCOLATION POND PROJECT

Recommendation: That City Council:
1. Accept the project 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. 07-110502
9. ACCEPTANCE OF INSTALLATION OF THE POLYURETHANE FOAM ROOF AT PORTERVILLE MUNICIPAL LIBRARY AND PORTERVILLE FIRE DEPARTMENT

Recommendation: That City Council:
1. Accept the installation of the polyurethane foam roof at the Porterville Municipal Library and the Fire Department 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. 08-110502

10. AMENDMENT OF CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA) JOINT POWERS AGREEMENT

Recommendation: That the City Council approve the attached resolution and authorize the Mayor to sign the addendum to the Joint Powers Agreement.

Disposition: Approved.
Document No.: Resolution No. 163-2002

11. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION NO. 450

Recommendation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration for Annexation 450.
2. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

Disposition: Approved.
Document No.: Resolutions No. 164-2002 / 165-2002

12. ADOPTION OF BEST AVAILABLE CONTROL MEASURES FOR PM-10 ATTAINMENT

Recommendation: That the City Council adopt the attached resolution implementing measures identified in Exhibit “A” of the resolution.

Disposition: Approved.
Document No.: Resolution No. 166-2002
13. REQUEST FOR STREET CLOSURE - MYERS’ EIGHTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of "E" Street, between Putnam and Cleveland, on December 5, 2002, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

Disposition: Approved.
Document No.: Minute Order No. 09-110502

14. AIRPORT LEASE - LOT 34C (Travis Bierman)

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. 10-110502

15. AIRPORT LEASE AMENDMENT - LOT 38 (Barbara Dillard)

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. 11-110502

16. AIRPORT LEASE AMENDMENT - LOT 37 (Ernest Freeman)

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. 12-110502

17. AIRPORT LEASE AMENDMENT - LOT 34A (Sam and Velma Lessley)

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. 13-110502
18. AIRPORT LEASE AMENDMENT - LOT 34D (Joyce Moody)

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. 14-110502

19. AIRPORT LEASE AMENDMENT - LOT 36 (Robert Nichols)

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. 15-110502

20. AIRPORT LEASE AMENDMENT - LOT 46C (Mike 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. 16-110502

21. AIRPORT LEASE AMENDMENT - LOT 49B (Pete Raventos)

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. 17-110502

22. AIRPORT LEASE AMENDMENT - LOT 32C (Wayne Ross)

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. 18-110502

23. AIRPORT LEASE AMENDMENT - LOT 35 (Chantal Stewart)

Recommendation: That the City Council approve Lease Amendment No. 1, modifying paragraph three (3) of the original Lease Agreement.
24. AIRPORT LEASE AMENDMENT - LOT 46A (Donald and Loretta Swenson)

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 19-110502

25. AIRPORT LEASE AMENDMENT - LOT 49A (Michael and Elaine Wall)

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 20-110502

26. AIRPORT LEASE AMENDMENT - LOT 32D (Drew Williams)

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 21-110502

27. PORTERVILLE MUNICIPAL AIRPORT RENTAL - ATMOSPHERICS, INC.

Recommendation: That the City Council approve the temporary rental of a portion of Lot 7 to Atmospheric, Inc. for a rental fee of $100.00 per month, reimbursement to the City for electricity use, and compliance with the City’s policy on liability insurance.

Disposition: Approved.
Document No.: Minute Order 23-110502

29. ADOPT-A-DOWNTOWN PLANTER, PORTERVILLE ART ASSOCIATION, INC.

Recommendation: That the City Council approve the Adopt-A-Downtown Planter Permit submitted by the Porterville Art Association, Inc.

Disposition: Approved.
Document No.: Minute Order 24-110502
30. **SUSPENSION OF PORTERVILLE OFF HIGHWAY VEHICLE PARK CASUAL RIDING**

Recommendation: That the City Council suspend the Porterville Off Highway Vehicle Park Casual Riding Program until sufficient general liability insurance is found.

Disposition: Approved.
Document No.: Minute Order 25-110502

31. **MOTOCROSS RACE PROPOSAL FOR NOVEMBER 24, 2002**

Recommendation: That the City Council approve the Motocross Race Proposal for November 24, 2002 with David Rogers, Race Promoter, at the Porterville OHV Park and authorize the Mayor to sign the proposal.

Disposition: Approved.
Document No.: Minute Order 26-110502

32. **LEASE AGREEMENT FOR 308 NORTH MAIN STREET**

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

Disposition: Approved.
Document No.: Minute Order 27-110502

33. **COUNCIL RESOLUTION OF SUPPORT FOR THE CINCO DE MAYO CELEBRATION**

Recommendation: That Council approve the resolution as presented.

Disposition: Approved.
Document No.: Resolution No. 167-2002

34. **CITY OF PORTERVILLE CONFLICT OF INTEREST CODE - AMENDMENT NO. 4**

Recommendation: That the City Council adopt the resolution approving the revised City of Porterville Conflict of Interest Code.

Disposition: Approved.
Document No.: Resolution No. 168-2002

34a. **CLOSED SESSION PURSUANT TO GOV. CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY ATTORNEY;**

COUNCIL ACTION MOVED by Council Member West, SECONDED by Council Member Joyner that the Council approve Item Numbers 2 through 27 and 29 through 34a of the Consent Calendar.

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

1. MINUTES OF OCTOBER 15, 2002

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that Council approve the minutes of October 15, 2002.

M. O. 28-110502

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

Disposition: Approved.

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

Recommendation: Approve Amendment No. 2 to License Agreement for execution.

Mayor Pro Tem Gurrola commended the Fair Board for the work they have done with the youth of the community, and commended Comision Honorifica Mexicana Americana for their projects and work with the young people in the community. She stated that this was a project that would enhance the community, but she asked that there be some discussion and outreach so other groups would be involved. Mayor Pro Tem Gurrola stated that she was supportive of the project, but felt that they as a community needed to come together to improve the community. She asked that, in the future, organizations be involved in discussions on how they will work on those properties belonging to the City and the community. Mayor Pro Tem Gurrola made a motion to approve Amendment No. 2 to the Licence Agreement.
Council Member Joyner seconded the motion, with a correction to the Agreement. He stated that he would like the following changes:

- Section 2 - change December 31, 2007 to December 31, 2004
- Strike Section 3
- Section 5 - change December 31, 2007 to December 31, 2004
- Section D - after “As of January 1, 2016,” add “or sooner if a replacement facility is available,”.

Mayor Woods suggested taking the matter back into Closed Session as these were significant changes.

Mayor Pro Tem Gurrola stated that she would not amend her motion, because she would want to look at this first.

The City Attorney recommended that Council schedule this item for a Closed Session for discussion.

Mayor Woods stated that he would like to discuss in Closed Session whether this matter was discussed by Council members at Porterville Lanes.

**COUNCIL ACTION**

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council approve Amendment No. 2 to License Agreement for execution, with the changes: Section 2 - change December 31, 2007 to December 31, 2004; Strike Section 3; Section 5 - change December 31, 2007 to December 31, 2004; and, Section D - after “As of January 1, 2016,” add “or sooner if a replacement facility is available,”.

M. O. 29-110502

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

Disposition: Approved.

**PUBLIC HEARINGS**

35. ZONE CHANGE 3-2002, ANNEXATION 449 (Pre-Zoning) (Harold & Retha Sheldon).

Recommendation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration for Zone Change 3-2002 and Annexation 449.
2. Adopt the draft ordinance approving Zone Change 3-2002.
3. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

The City Manager introduced the item, and the Community Development Director gave the staff report.

Mayor Woods opened the public hearing at 7:32 p.m. and asked those in favor to come forward.

Jim Winton, 150 West Morton, came forward representing the applicants and gave a brief explanation on the use of the property, and asked for Council approval.

Mayor Woods closed the hearing to the public at 7:34 p.m. There were no Council comments and the hearing was closed at 7:34 p.m.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Gurrola that the Council adopt the draft resolution approving a Negative Declaration for Zone Change 3-2002 and Annexation 449. The motion carried unanimously.

**COUNCIL ACTION**

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve the draft ordinance approving Zone Change 3-2002. The motion carried unanimously.

The City Manager read Ordinance No. 1623 by title only.

**COUNCIL ACTION**

MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council waive further reading of the Ordinance. The motion carried unanimously.

**Ordinance No. 1623**

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council order Ordinance 1623 to print, being an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2002 BEING A PRE-ZONING FROM COUNTY R-O-43 (RESIDENTIAL ESTATES) TO CITY RA (SUBURBAN RESIDENTIAL) FOR THAT 42.1± ACRE SITE LOCATED ON THE NORTHEAST CORNER OF INDIANA STREET AND GIBBONS AVENUE.

AYES: West, Joyner, Hamilton, Gurrola, Woods

NOES: None

ABSENT: None

ABSTAIN: None
COUNCIL ACTION

MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Hamilton that the Council adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo. The motion carried unanimously.

Disposition: Approved.

36. ZONE CHANGE 4-2002, DESIGN OVERLAY SITE REVIEW 5-2002, AND CONDITIONAL USE PERMIT 3-2002 - PROPOSED PIZZA HUT RESTAURANT (MIKE RANDELS)

Recommendation: That the City Council:

1) Conduct a Public Hearing regarding the proposed Zone Change and Conditional Use Permit.
2) Adopt the draft resolution approving the Negative Declaration of environmental impact.
3) Give first reading to the draft ordinance approving Zone Change 4-2002 with second reading to be delayed pending approval of a Lot Line Adjustment to create a single parcel.
4) Adopt the draft resolution approving Design Overlay Site Review 5-2002 subject to conditions of approval.
5) Adopt the draft resolution approving Conditional Use Permit 3-2002 subject to conditions of approval.

The City Manager introduced the item, and the Community Development Director gave the staff report.

Mayor Woods opened the public hearing at 7:40 p.m. and asked those in favor to come forward.

Mike Randles, 9 Cabrini, Irvine, came forward and stated that they would be moving an existing business to a new location.

Mayor Woods then asked those in opposition to come forward.

Daryl Nicholson, 942 North Highland Drive, came forward and spoke in opposition to the conditional use permit for on-sale alcohol within 600 feet of the school. He questioned the staff recommending approval of this item.

Ron Irish, 768 North Prospect, stated that he was neither for nor against the item, but he had always maintained that the Council should change the ordinance regarding conditional use permits for alcohol.

Mayor Woods closed the hearing to the public at 7:43 p.m.
Council Member Joyner stated that Council should definitely look at the ordinance and review it, because they were definitely not adhering to it. He stated that it seemed approval depended on the size of the corporation.

The Community Development Director explained the ordinance and stated that a conditional use permit was required for an off-sale license, which had the 600 feet provision, but when a restaurant asks for a conditional use permit for an on-sale license, it was silent as to the proximity to schools, parks, etc.

Staff explained driveway cut requirements, and explained that this was a request from a private developer which came to the City.

Mr. Randles stated that Pizza Hut was closing two restaurants on both ends of Olive and putting in one store at this location. He stated that the other store would be replaced pending the growth pattern of the City in the future.

Mayor Woods closed the public hearing at 7:47 p.m.

**COUNCIL ACTION**

MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council adopt the draft resolution approving the Negative Declaration for environmental impact.

Res: 171-2002

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

**COUNCIL ACTION**

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve the draft ordinance approving Zone Change 4-2002.

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

The City Manager read Ordinance No. 1624 by title only.

**COUNCIL ACTION**

MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council waive further reading of the Ordinance.

AYES: West, Joyner, Gurrola, Woods
NOES: Hamilton
ABSENT: None
ABSTAIN: None
Ordinance No. 1624  

MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Joyner that the Council order Ordinance 1624 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 4-2002 BEING A CHANGE OF ZONE FROM R-2 (FOUR FAMILY RESIDENTIAL) FOR TWO PARCELS AND C-3 (HEAVY COMMERCIAL) FOR ONE PARCEL TO C-3(D) (HEAVY COMMERCIAL - DESIGN OVERLAY) FOR THAT SITE LOCATED AT THE SOUTHEAST CORNER OF OLIVE AVENUE AND JAYE STREET.

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

COUNCIL ACTION  

MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council adopt the draft resolution approving Design Overlay Site Review 5-2002 subject to conditions of approval.

Resolution 172-2002  

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

COUNCIL ACTION  

MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council adopt the draft resolution approving Conditional Use Permit 3-2002 subject to conditions of approval.

Resolution 173-2002  

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

Disposition: Approved.

37. AMENDMENT TO THE BINGO ORDINANCE  

Recommendation: That Council approve the amendment to City Code Section 15-20(d)(22), extending the hours of operation and establishing the time of operation for Bingo games in the City of Porterville.

The City Manager introduced the item and the Administrative Services Director gave the staff report.
Mayor Woods opened the public hearing at 7:51 p.m. and asked those in favor to come forward.

Marc Partlow, Exalted Ruler of the Elks Club, came forward and stated that bingo was necessary for their Club to raise funds for their projects, and this hoped the increased hours for bingo would help them raise funds.

Mayor Woods closed the hearing to the public at 7:52 p.m.

Mayor Pro Tem Gurrola asked if the 2:00 a.m. time limit could be changed to midnight.

Mr. Partlow stated that they just asked for the ten hours, and they had no problem with midnight.

Council concurred on the change in the ordinance to 12 midnight.

Mayor Woods closed the hearing at 7:55 p.m.

**COUNCIL ACTION**

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve the draft ordinance amending City Code Section 15-20(d)(22), extending the hours of operation and establishing the time of operation for Bingo games in the City of Porterville as amended. The motion carried unanimously.

The City Manager read Ordinance No. 1625 by title only.

**COUNCIL ACTION**

MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council waive further reading of the Ordinance. The motion carried unanimously.

Ordinance No. 1625

MOVED by Council Member West, SECONDED by Council Member Joyner that the Council order Ordinance 1625 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 15, BUSINESS LICENSES, SECTION 15-20, REGULATIONS, SECTION 15-20(D), BINGO GAMES, OF THE CITY CODE.

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

Disposition: Ordered to Print.
38. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)

Recommendation: That City Council:
1. Open the public hearing;
2. Take testimony and written comments; and
3. Direct staff to consider the comments, finalize the DBE Program and submit the program to Caltrans for approval.

The City Manager introduced the item and the Public Works Director gave the staff report.

Mayor Woods opened the public hearing at 7:56 p.m. and asked those in favor to come forward. No one wished to speak and the Mayor closed the hearing at 7:57 p.m.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council direct staff to consider the comments, finalize the DBE Program, and submit the program to Caltrans for approval. The motion carried unanimously.

Disposition: Approved.

The Community Development Director stated that Item 40 was a public hearing and would be heard at this time.

40. A REQUEST BY THE APPLICANT FOR CONSIDERATION OF AN APPEAL OF STAFF’S DENIAL OF A PROPOSED ADULT RESIDENTIAL CARE FACILITY TO BE LOCATED WITHIN 160 FEET OF AN EXISTING ADULT RESIDENTIAL CARE FACILITY (PAT LEMMEYER)

Recommendation: That the City Council:
1. Consider testimony received at the Public Hearing.
2. Affirm the decision of the Community Development Director to deny the request to locate an adult residential care facility within 300 feet of an existing like facility.

The City Manager introduced the item, and the Community Development Director gave the staff report. He stated that the City Council has two options for consideration:

1. Reverse the decision of the Community Development Director and direct staff to write a letter to the Department of Social Services in support of the adult residential care facility within 300 feet of an existing facility; or

2. Affirm the decision of the Community Development Director to deny the adult residential care facility based on an over concentration.
Council Member Joyner verified that the hearing was noticed and the property owners had been notified.

Mayor Woods opened the public hearing at 8:03 p.m. and asked those in favor to come forward.

Pat Lemmeyer, 1094 East Vandalia, came forward and stated that she did measure wrong before she bought the property. Mrs. Lemmeyer stated that in three years her ladies would be reclassified as elderly, and then there would not be a requirement for City approval due to the 300-foot requirement. She asked that Council allow her and her ladies to move into their home.

Mayor Woods closed the hearing to the public at 8:05 p.m.

Council discussed the alternatives and their concerns that the facility could change use if allowed.

Mrs. Lemmeyer spoke about licensing requirements, and that any changes in ownership or designation, which required a new license process, would come back before the Council.

Mayor Woods closed the hearing at 8:10 p.m.

**COUNCIL ACTION**

MOVED by Council Member West, SECONDED by Council Member Joyner that the Council approve Option 1, Reverse the decision of the Community Development Director and direct staff to write a letter to the Resolution 174-2002 Department of Social Services in support of the adult residential care facility within 300 feet of an existing facility. The motion carried unanimously.

Disposition: Facility Approved.

**SECOND READING**

39. ORDINANCE NO. 1622, POLITICAL SIGN REGULATIONS

Recommendation: That Council give Second Reading to Ordinance No. 1622, waive further reading, and adopt said Ordinance.

The City Manager read Ordinance No 1622, 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. 1622

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

MOVED by Council Member West, SECONDED by Council Member Joyner that the Council adopt Ordinance 1622, 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
NOES: Woods
ABSENT: None
ABSTAIN: Gurrola

Disposition: Approved.

SCHEDULED MATTERS

41. APPROVAL FOR COMMUNITY CIVIC EVENT - CHAMBER OF COMMERCE, ROTARY CLUB OF PORTERVILLE, AND DOWNTOWN PORTERVILLE ASSOCIATION ANNUAL CHILDREN’S CHRISTMAS PARADE, DECEMBER 3, 2002

Recommendation: That Council:
1. Approve the Community Civic Event application from the Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association for the annual Children’s Christmas Parade on Tuesday, December 3, 2001, subject to the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 6:00 p.m. on December 3, 2002; and
3. Discuss and define any desired changes to the December 3, 2002, City Council meeting to mitigate the conflict between the parade and the regularly scheduled meeting.

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

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve Items 1 and 2 of the staff recommendation. The motion carried unanimously.

Council discussed that the Council meeting on December 3, 2002 would be held at 5:00 p.m., with a temporary adjournment at 7:00 p.m., if necessary, for the Christmas Parade. Mayor Woods stated that Council would decide if they needed the adjournment that evening.
COUNCIL ACTION  MOVED by Council Member West, SECONDED by Council Member Hamilton that the December 3, 2002 Council meeting is scheduled for 5:00 p.m. The motion carried unanimously.

Disposition:  Approved.

42.  APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION ANNUAL TREE LIGHTING CEREMONY AND CAROLING PROCESSION - NOVEMBER 29, 2002

Recommendation:  1. That the Council approve the Community Civic Event Application and Agreement from Downtown Porterville Association for their Annual Tree Lighting and Caroling Procession, November 29, 2002, with no street closures and with police escorts.  
2. That Council approve the use of Christmas lights along Main Street and Olive Avenue.

The City Manager presented the item.

COUNCIL ACTION  MOVED by Council Member Joyner, SECONDED by Council Member West that the Council authorize staff recommendation’s 1 through 5. The motion carried unanimously.

Disposition:  Approved.

43.  ENVIRONMENTAL REVIEW OF THE MILO STREET RECONSTRUCTION PROJECT

Recommendation:  That the City Council:
1. Adopt the attached resolution approving a Negative Declaration for the Milo Street Reconstruction Project.

The City Manager presented the item and the Community Development Director gave the staff report.

COUNCIL ACTION  MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Hamilton that the Council adopt the draft resolution approving a Negative Declaration for the Milo Street Reconstruction Project. The motion carried unanimously.

Disposition:  Approved.
44. REQUEST BY COUNCILMEMBER TO CONSIDER AN ORDINANCE PROHIBITING PARKING ON FRONT LAWNS

Recommendation: None

The City Manager presented the item, and the Police Chief briefly spoke on Lindsay’s ordinance, and the positives and negatives of having such an ordinance. He stated that such an ordinance would require enforcement which would pull from other duties and responsibilities. The Police Chief stated that he could put together a draft ordinance for Council consideration if they desired.

Mayor Woods questioned when it was considered a front yard, and when was it a parking area. He stated that he felt this would be a difficult ordinance to enforce, and they would be stepping on people’s rights.

Council Member Hamilton stated that he agreed that government intervention was not good, but he had been seeing long term parking on lawns that was dripping oil into their groundwater. He stated that the ordinance would have to be crafted correctly.

The Police Chief stated that vehicles that might be broken down and standing on private property could be abated with the City’s abandoned vehicle abatement ordinance. He stated that there was a set process that they would follow.

Council Member Hamilton stated that he was just getting feedback, and he would like to look at the abatement ordinance.

The Police Chief stated that he would prefer the abatement ordinance for which they had a Code Enforcement Officer. He stated that it might be a better way to approach this problem.

Council asked that they be provided a copy of the abatement ordinance.

ORAL COMMUNICATIONS

None

OTHER MATTERS

Mayor Pro Tem Gurrola stated that she read the October 15, 2002, Council minutes regarding Item No. 28.

CLOSED SESSION

34a. CLOSED SESSION PURSUANT TO GOV. CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY ATTORNEY; GOV. CODE § 54957 - PUBLIC EMPLOYMENT, TITLE: CITY ATTORNEY; AND GOV. CODE § 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 13144 ROAD 216/ AGENCY NEGOTIATOR:
Mayor Woods stated that there would be a report of action after the Closed Session.

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

Mayor Woods left Closed Session at 8:43 p.m. to abstain from the discussion on the Nuckols property due to a potential conflict as an officer of the Bank of the Sierra.

The Council reconvened at 9:08 p.m.

34a. REPORT OF ACTION TAKEN IN CLOSED SESSION AND/OR CONSIDERATION AND APPROVAL OF REAL PROPERTY TRANSACTION: 13144 ROAD 216, PARTIES CITY OF PORTERVILLE AND ROBERT NUCKOLS.

Mayor Pro Tem Gurrola stated that action was taken to authorize the City Manager to enter into an escrow opening with the provision that there was a limitation on the annual payments for any outstanding lien of $28,658 per year, and the outstanding lien cannot amount to more than $294,300.

**ADJOURNMENT**

The Council adjourned at 9:10 p.m. to November 19, 2002.

____________________________________
John Longley, City Clerk

SEAL

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Gordon T. Woods, Mayor