PROCLAMATION
“Porterville College Year” - 2002/2003

PRESENTATIONS

A. MAYOR’S STATE OF THE CITY ADDRESS

Mayor Woods spoke on the accomplishments and progress made in 2002 and 2003 by the City Council, staff and community on behalf of the City of Porterville.

B. CITY MANAGER’S FEATURED PROJECTS FOR FEBRUARY, 2003:

The City Manager and staff presented the following projects:

1. Neighborhood Community Center Environmental
2. HELP Loan - Casas del Rio
3. HOME Grant for $800,000
4. Storm Water Pollution Prevention Program
5. Traffic Signal at Plano/Mulberry (Safe Routes to School Grant)

WRITTEN COMMUNICATIONS

There were no written communications.

ORAL COMMUNICATIONS

Rick McIntire, 31846 Country Club Drive, came forward representing the Porterville Chamber of Commerce and made a presentation on the Chamber’s activities for 2002/2003. He spoke on the value that the City got for the annual $20,000 paid to the Chamber.

CONSENT CALENDAR

Items No. 1, 2, 7 and 8 were removed from the Consent Calendar. The City Attorney stated that the Closed Session item for the property at Putnam and Villa was also removed.

3. BUDGET CALENDAR

Recommendation: No Action Required by Council.

Disposition: Approved.
4. AUTHORIZATION TO PROCEED - MEMORY LANE WIDENING PROJECT

Recommendation: That City Council:
1. Authorize staff to proceed with environmental findings and post the categorical exemption;
2. Authorize staff to continue with right of way negotiations; and
3. Authorize staff to proceed with design.

Disposition: Approved.

Document No.: Minute Order No. 02-021803

5. ACCEPTANCE OF THE GARDEN, OAK AND MILL SEWER MAIN RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Accept the Garden, Oak and Mill Sewer Main Reconstruction Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Approve the release of the 10% retention thirty-five (35) days after recordation, provided no liens have been filed.

Disposition: Approved.

Document No.: Minute Order No. 03-021803

6. ACCEPTANCE OF IMPROVEMENTS - ORCHARD RIDGE, PHASE SEVEN (DAVID HATCH - CENTEX HOMES)

Recommendation: That City Council:
1. Accept the public improvements of Orchard Ridge, Phase Seven Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Disposition: Approved.

Document No.: Minute Order No. 04-021803

8a. CLOSED SESSION PURSUANT TO: GOV. CODE §54956.9 - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - VALLEY ADVOCATES, ET. AL. VS. CITY OF PORTERVILLE, ET AL; AND GOV. CODE § 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: ABANDONED RR CORRIDOR FROM OLIVE TO HENDERSON AVENUES, GENERALLY LOCATED BET. 4TH AND HENRAHAN STREETS. AGENCY
NEGOTIATOR: BILL NUTTMAN. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND TULARE VALLEY RAILROAD. UNDER NEGOTIATION: PRICE

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Gurrola that the Council approve Item Numbers 3 through 6, and 8a of the Consent Calendar.

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

Disposition: Approved.

1. CITY COUNCIL MINUTES OF JANUARY 28 AND 29, AND FEBRUARY 4, 2003

COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member West that the Council approve the Council Minutes of January 28, 2003.

M.O. 05-021803 The motion carried unanimously.

COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member West that the Council approve the Council Minutes of January 29, 2003.

M.O. 06-021803 The motion carried unanimously.

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

COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Hamilton that the Council approve the Council Minutes of February 4, 2003. The motion carried unanimously.

M.O. 07-021803

Disposition: Approved.

2. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery.

Council Member Hamilton clarified that part of the funding for Casas del Rio would be recouped.
COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Hamilton that the Council approve Item No. 2 as presented. The motion carried unanimously.

Disposition: Approved.

7. EXCHANGE OF PROPERTY BETWEEN THE CITY OF PORTERVILLE AND VANDALIA IRRIGATION DISTRICT

Recommendation: That City Council:

1. Accept the Quitclaim Deed from Vandalia Irrigation District for the exchange of property described in the April 22, 1969 Exchange of Real Property Agreement;
2. Authorize the Mayor to sign the Quitclaim Deed for the exchange of property described in the April 22, 1969 Exchange of Real Property Agreement;
3. Authorize the Mayor to sign the Grant of Easement also described in the April 22, 1969 Exchange of Real Property Agreement; and
4. Authorize the City Clerk to record, for both agencies, the Quitclaim Deeds and Easement Deed with the County Recorder's Office.

Mayor Pro Tem Gurrola clarified that this property exchange was the result of an existing contract that confirmed everything that should have already been done.

COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Hamilton that the Council approve the exchange of property between the City and the Vandalia Irrigation District.

Resolution 18-2003 AYES: West, Joyner, Hamilton, Gurrola, Woods
NOES: None
Resolution 19-2003 ABSTAIN: None
ABSENT: None

Disposition: Approved.

8. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements.

Mayor Pro Tem Gurrola thanked the Chamber for their presentation. She questioned the staff recommendation regarding the allotment of the $20,000 not being adopted at this time. She stated that she would like some discussion regarding the agreement from the Chamber.
The City Manager stated that the recommendation was to expend the $20,000 budgeted for this year. He stated that the caveat was that next year, should there be a substantial reduction in State revenues to the City, it would be an open issue as to the amount of funding.

Mayor Woods stated that with the potential restrictions on the money available, all budgets were on the table.

Mayor Pro Tem Gurrola stated that she knew they would be facing a tight budget year, but she encouraged the Council to look at funding the Chamber, which would be less than funding a full-time person to do the work that the Chamber does for the City. She stated that her other recommendation was that the Chamber reach out to the Hispanic business market, and strengthen the ties with the Hispanic Chamber of Commerce, the Corridor 65, and businesses they currently have, because that market was going to continue to grow.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council accept the Chamber of Commerce Activity Report and Financial Statements. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARING

9. ABANDONMENT OF AN UNIMPROVED ROAD KNOWN AS ROAD 242 (PARK VIEW VILLAGE, LP)

Recommendation: That City Council:
1. Adopt the Resolution of Abandonment, including reservations, for Road 242; and
2. Authorize the City Clerk to record the Resolution of Abandonment with the County Recorder.

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

Mayor Woods opened the public hearing at 7:49 p.m. and closed the hearing at 7:50 p.m. when no one came forward to speak.

Council Member Joyner questioned using the road for access for the west side of the Tule River Parkway Park and Ride Lot.

The Public Works Director stated that the roadway could be utilized for that purpose, but there will be other access to the Parkway. It was pointed out that the City would receive part of the abandonment where they owned the adjacent property.
The public hearing was closed at 7:52 p.m.

COUNCIL ACTION
MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council adopt the Resolution of Abandonment, including reservations, for Road 242, and authorize the City Clerk to record the Resolution of Abandonment with the County Recorder. The motion carried unanimously.

Resolution 21-2003

Disposition: Approved.

SCHEDULED MATTERS

10. APPROVAL OF AN AGREEMENT WITH BARTLE WELLS ASSOCIATES TO PERFORM SERVICES TO OBTAIN A LOAN FOR REQUIRED WASTEWATER DISCHARGE IMPROVEMENTS

Recommendation: That the City Council act to:
1. Approve Bartle Wells Associates proceeding with a CIEDB loan application providing that they agree to Addendum No. 1; and
2. Authorize the Mayor to sign approving the proposal and Addendum No. 1.

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

Council Member Hamilton stated that he was concerned that they did not have enough information on the possibility of savings on a bond issue compared to the CIEDB. He recommended that this item be sent back to staff to bring back at the next meeting with full disclosure on the comparisons of the two issues.

Mayor Woods agreed and stated that they may also want to look at a bank bridge loan so they could still meet the time requirements.

Council agreed on referring the matter back to staff to bring back March 4.

COUNCIL ACTION
MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council suspend this until March 4, 2003. The motion carried unanimously.

Disposition: Approved.

11. GENERAL PLAN REFERRAL - BURTON ELEMENTARY SCHOOL

Recommendation: That the City Council determine that the proposed elementary school to be located on the west side of Mathew Street, 700± feet south of Olive Avenue is consistent with the General Plan of the City of Porterville.
The City Manager presented the item and the Community Development Director gave the staff report.

The Council discussed the need for traffic circulation and the full development of Mathew Street when the school was built.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council determine that the proposed elementary school to be located on the west side of Mathew Street, 700± feet south of Olive Avenue is consistent with the General Plan of the City of Porterville. The motion carried unanimously.

Disposition: Approved.

12. RADIO AND TELEVISION ANTENNAS - CITY CODE INTERPRETATION

Recommendation: That the City Council select Option No. 3 to provide clarification to the existing code.

The City Manager presented the item and the Community Development Director gave the staff report which listed the following options for Council consideration:

Option 1: Determine that Zoning Ordinance Section 2103.A.9 applies to any and all television and radio receivers and transmitters. Conditional Use Permits would be required for a variety of currently unregulated receivers and all homes with a wireless internet antenna which receives and transmits.

Option 2: Determine that Zoning Ordinance Section 2103.A.9 only applies where there is a request for a structure that would otherwise not be permitted in the affected zone (due to a violation of maximum height standards, etc.) Antennas and towers which relied on the exception to the maximum height limitations provided by Zoning Ordinance Section 2602.C would require Conditional Use Permits.

Option 3: Determine that some other standard should be used to distinguish “radio or television transmitters and receivers” such as size, purpose, etc. While other standards are possible, Staff would recommend the following (also see attached matrix):

1) In all cases, Conditional Use Permits would be secured for antennas and towers which exceed the standard height limitations of their respective zones.

2) All commercial antennas would require Conditional Use Permits. This would include freestanding radio, television, and cell phone towers as
well as building mounted and freestanding antennas for Internet Service Providers (ISP’s), including those operated as Home Occupations.

3) Conditional Use Permits would not be required for public safety agencies or for equipment at a customer’s location, provided the antenna does not exceed the standard height limitation of the relevant zone.

Option 4: Direct Staff to prepare a Zoning Ordinance Amendment to clarify the intent of the City’s regulation of radio and television transmitters and receivers. City Staff will request additional direction regarding the City Council’s intent if this option is selected.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Joyner that the Council adopt Option No. 3 as presented. The motion carried unanimously.

Disposition: Approved.

Adjourn to a Meeting of the Porterville Redevelopment Agency at 8:16 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
February 18, 2003

Roll Call: Redevelopment Agency: West, Joyner, Gurrola, Hamilton, Woods

WRITTEN COMMUNICATIONS

There were no written communications.

ORAL COMMUNICATIONS

Rick McIntire, 31846 Country Club Drive, came forward and spoke about their continuing efforts to work with the Hispanic Chamber of Commerce and the Hispanic community. Mr. McIntire stated that as Mayor Pro Tem Gurrola exits the Council, he hoped she would continue to serve the community in all aspects. He stated that they also wanted to thank the Mayor for the help he had given them.

Mayor Pro Tem Gurrola recognized Phillip Martinez from the Hispanic Chamber of Commerce.

The Agency/City Council adjourned to Closed Session at 8:20 p.m. The City Attorney stated that there would be nothing to report out of the Closed Session.

CLOSED SESSIONS

PRA-1. CLOSED SESSION PURSUANT TO GOV. CODE § 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. PROPERTY: CASAS DEL RIO SUBDIVISION ON DATE AVE. WEST OF PLANO ST. (LOTS 1-59, 74-81 &
104-118). AGENCY NEGOTIATOR: BRAD DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND PERRIS 40 CORPORATION. UNDER NEGOTIATION: TERMS OF CONVEYANCE.

8a. CLOSED SESSION PURSUANT TO: GOV. CODE §54956.9 - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - VALLEY ADVOCATES, ET. AL. VS. CITY OF PORTERVILLE, ET AL; AND GOV. CODE § 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: ABANDONED RR CORRIDOR FROM OLIVE TO HENDERSON AVENUES, GENERALLY LOCATED BET. 4TH AND HENRAHAN STREETS. AGENCY NEGOTIATOR: BILL NUTTMAN. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND TULARE VALLEY RAILROAD. UNDER NEGOTIATION: PRICE

The Council/Agency reconvened at 8:45 p.m.

ADJOURNMENT

The Council/Agency adjourned at 8:45 p.m. to March 4, 2003.

Georgia Hawley, Deputy City Clerk

SEAL

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Gordon T. Woods, Mayor