Call to Order: 7:00 p.m.
Pledge of Allegiance: Council Member Kelly West
Invocation: Steven Tree, Church of Jesus Christ of Latter Day Saints
Roll Call: West, Joyner, Hamilton, Gurrola, Woods

Mayor Woods introduced Mayor Pro Tem Gurrola’s husband, mother and sister, and recognized the personal sacrifices she had made during her eight years on the Council. The Mayor then introduced his wife, Peggy Woods.

**PROCLAMATION**

“Arbor Day” - March 8, 2003

**WRITTEN COMMUNICATIONS**

There were no written communications.

**ORAL COMMUNICATIONS**

Connie Gonzalez, 234 South Indiana, came forward to thank Mayor Pro Tem Gurrola for all her dedication and hard work on behalf of the parents and students of Olive Avenue School during her tenure on the Council. She stated that they wished to express their appreciation to Virginia.

Bob Owen, Chairman of the Parks and Leisure Services Commission, came forward at this time to accept the Arbor Day Proclamation.

**CONSENT CALENDAR**

Items No. 10, 12 and 13 were removed from the Consent Calendar.

1. MINUTES OF FEBRUARY 18, 2003

Disposition: Approved.
Document No.: Minute Order No. 01-030403

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.

Disposition: Approved.
Document No.: Minute Order No. 02-030403

3. BUDGET ADJUSTMENTS FOR THE 2002/2003 FISCAL YEAR

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

Disposition: Approved.
Document No.: Minute Order No. 03-030403
4. ACCEPTANCE OF A FEDERAL GRANT TO WIDEN THE JAYE STREET BRIDGE AND AUTHORIZATION TO PROCEED WITH PRELIMINARY DESIGN

Recommendation: That the City Council act to:
1. Accept the HBRR grant; and
2. Authorize staff to request proposals for design of the Jaye Street Bridge widening.

Disposition: Approved.
Document No.: Minute Order No. 04-030403

5. ACCEPTANCE OF THE WATER WELL NO. 26 PROJECT

Recommendation: That City Council:
1. Accept the Water Well No. 26 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 Stop Notices have been filed.

Disposition: Approved.
Document No.: Minute Order No. 05-030403

6. ACCEPTANCE OF IMPROVEMENTS - WESTVIEW PLACE SUBDIVISION (MARY E. MCCLURE)

Recommendation: That City Council:
1. Accept the public improvements of West View Place subdivision for maintenance; and
2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Disposition: Approved.
Document No.: Minute Order No. 06-030403

7. PURCHASE OF ASSESSOR’S PARCEL 269-060-043 FOR WELL 28 (CHARLES SPENCER ESTATE)

Recommendation: That City Council act to:
1. Authorize City staff to enter into an escrow to purchase subject property by passing the attached resolution; and
2. Authorize the Mayor to sign the necessary documents.

Disposition: Approved.
Document No.: Resolution No. 22-2003
8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 269-060-002 & APN NO. 269-060-050 CORNELL - WELL NO. 27

Recommendation: That City Council:
1. Authorize staff to make payment to Edward B. and Elizabeth F. Cornell, owners of the property, in the amount of $4,000.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

Disposition: Approved.
Document No.: Resolution No. 23-2003; 24-2003

9. AMENDMENT OF THE CITY CODE - CHANGES TO THE SPECIAL SPEED ZONES

Recommendation: That City Council:
1. Approve the proposed Ordinance amendment;
2. Give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and
3. Direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

Disposition: Approved.
Document No.: Ordinance 1628

11. REQUEST FOR A ONE YEAR EXTENSION OF TIME FOR A TEMPORARY MOBILE UNIT FOR ENDUREQUEST (KEN DEWING)

Recommendation: That City Council:
1. Adopt the attached resolution and conditions of approval for a one (1) year extension of time for the temporary use.

Disposition: Approved.
Document No.: Resolution No. 25-2003


COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member West that the Council approve Item Numbers 1 through 9, 11 and 13a of the Consent Calendar.
AYES: West, Joyner, Hamilton, Gurrola, Woods
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Approved.


Recommendation: That the City Council:
1. Create a Housing Task Force for the process of development and updating the Housing Element, the Analysis of Impediments to Fair Housing Choice, and the Redevelopment Implementation Plan; and
2. Appoint the members of the Community Development Block Grant Citizen Advisory and Housing Opportunity Committee, the Redevelopment Advisory Committee, and the Long Range Planning Committee to the Housing Task Force.

The City Manager requested that this item be pulled from the agenda until the March 18 agenda.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that this item be continued to March 18, 2003. The motion carried unanimously.

Disposition: Approved.

12. AIRPORT LEASE - LOT 31B

Recommendation: That the City Council approve the request for modification of the lease with regard to lot 31B only.

Mayor Pro Tem Gurrola stated that the lessee had requested that the term of the lease be amended to expire July 31, 2003.

COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Joyner that the City Council approve the request for modification of the lease for Lot 31B, as amended. The motion carried unanimously.

Disposition: Approved.

13. OHV CONCESSION LICENSE

Recommendation: That the City Council approve the OHV Concession License.

Council briefly questioned staff on whether the item was put out to bid, and staff stated that it would go to bid if anyone else expressed interest in the lease.
COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve the OHV Concession License with Larry’s BBQ as written. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARING

14. GENERAL PLAN AMENDMENT 4-2002 (PARKS & RECREATION ELEMENT) AND CONDITIONAL USE PERMIT 6-2002 (ADOPT A SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT TO ALLOW DEVELOPMENT OF A 5± ACRE PARK)

Recommendation: That the City Council:

1. Adopt a resolution approving the Negative Declaration prepared for General Plan Amendment 4-2002 and Conditional Use Permit 6-2002.
2. Adopt a resolution approving General Plan Amendment 4-2002 pertaining to the addition of the 5± acre park to the existing Parks and Recreation Element of the General Plan, to allow for the addition of the 5± acre park to the existing list of parks in the Parks and Recreation Element and adopting a Master Plan for the park.
3. Adopt a resolution approving Conditional Use Permit 6-2002 amending the Viejo Robles Planned Development and adopting the specific plan for the park.

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

Mayor Woods opened the public hearing at 7:15 p.m. and closed it to the public at 7:16 when no one came forward.

Council questioned the configuration of the ponding basin and the access to the proposed park.

Staff stated that the area would percolate very rapidly and would probably be available eleven months out of the year.

Mayor Woods closed the hearing at 7:17 p.m.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Mayor Pro Tem Gurrola that the Council adopt the resolution approving the Negative Declaration prepared for General Plan Amendment 4-2002 and Conditional Use Permit 6-2002. The motion carried unanimously.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council adopt the resolution approving General Plan Amendment 4-2002 pertaining to the addition of the 5± acre park to the existing Parks and Recreation Element of the General Plan, to allow for the addition of the 5± acre park to the existing list of parks in the Parks and Recreation Element, and adopting a Master Plan for the park. The motion carried unanimously.
COUNCIL ACTION

MOVED by Council Member West, SECONDED by Mayor Pro Tem Gurrola that the Council adopt the resolution approving Conditional Use Permit 6-2002 amending the Viejo Robles Planned Development and adopting the specific plan for the park. The motion carried unanimously.

Disposition: Approved.

Mayor Pro Tem Gurrola thanked the Rotary Club for their donation for this park.

15. ZONE CHANGE 2-2003 AND “D” OVERLAY SITE REVIEW 1-2003 CONVERSION OF AN EXISTING DUPLEX TO MEDICAL OFFICES (DR. MELODY Dumlao)

Recommendation: Staff recommends that the City Council:
1) Conduct a Public Hearing regarding the proposed Zone Change.
2) Adopt the draft resolution approving the Negative Declaration of environmental impact.
3) Give first reading to the draft ordinance approving Zone Change 2-2003 with second reading to be delayed pending issuance of a building permit to convert the existing building to professional office uses.
4) Adopt the draft resolution approving Design Overlay Site Review 1-2003 subject to conditions of approval.

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

Mayor Woods opened the public hearing at 7:21 p.m.

Donna Shamley, representing Roberts Engineering, came forward in favor of the project and to answer any questions.

Mayor Woods closed the hearing to the public at 7:21 p.m.

Council briefly questioned the parking lot access from Morton Avenue.

Mayor Woods closed the public hearing at 7:22 p.m.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Joyner that the Council waive further reading of the ordinance. The motion carried unanimously.
COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that Council order Ordinance 1629 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2-2003. The motion carried unanimously.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council adopt the resolution approving Design Overlay Site Resolution 30-2003 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

16. REQUEST FOR SPECIAL FIREWORKS PERMIT

Recommendation: That the City Council approve the request for a special fireworks permit to the Exchange Club of Porterville for Calendar Year 2003, give First Reading to the draft ordinance, and order it to print.

The City Manager presented the item and the Fire Chief gave the staff report.

Council commended the Exchange Club on their fireworks program last year. Council Member Hamilton questioned the amount of money the Club made last year from their fireworks sales.

Bill Graves, 32233 Fairway Drive, Springville, stated that the Exchange Club took in approximately $10,000 from sales, $4,000 from advertisers, and $1,500 to $2,000 at the gate. The show cost $15,000, so they made a profit of $2,000 to $2,500, which goes to the prevention of child abuse.

Mayor Woods asked Mr. Graves to pass on the Council’s thanks to the Exchange Club.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Council Member West that Council approve the draft ordinance. The motion carried unanimously.

The City Manager read Ordinance No. 1630 by title only.

COUNCIL ACTION

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

COUNCIL ACTION

MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member West that Council order Ordinance 1630 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE. The motion carried unanimously.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council adopt the resolution approving Design Overlay Site Resolution 30-2003 subject to conditions of approval. The motion carried unanimously.
17. VALLEY ELDERBERRY LONGHORN BEETLE MITIGATION PROVISIONS

Recommendation: That the City Council:

1. Authorize Staff to continue with the pre-mitigation effort to address the mitigation needs associated with current as well as future, yet unidentified projects.

2. Authorize Staff to continue with formal negotiations with Sierra Los Tulares Land Trust to accept the Conservation Easement required for the Valley Elderberry Longhorn Beetle Mitigation.

3. Authorize the Mayor to sign an Addendum to the existing Consultant Services Agreement with Impact Sciences in an amount not to exceed $17,500 to complete the additional work as outlined in Exhibit B of the report with funding available from Certificate of Participation Funds set aside for VELB mitigation.

4. Authorize Staff to negotiate the purchase of native plants from Cal Natives Nursery at a price not to exceed $15,000 from Certificate of Participation Funds set aside for VELB mitigation.

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

Council discussed the steps involved in this process.

COUNCIL ACTION MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council authorize Staff to continue with the pre-mitigation effort to address the mitigation needs associated with current as well as future, yet unidentified projects. The motion carried unanimously.

COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Joyner that the Council authorize Staff to continue with formal negotiation with Sierra Los Tulares Land Trust to accept the Conservation Easement required for the Valley Elderberry Longhorn Beetle Mitigation. The motion carried unanimously.

COUNCIL ACTION MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Joyner that the Council authorize the Mayor to sign an Addendum to the existing Consultant Services Agreement with Impact Sciences in an amount not to exceed $17,500 to complete the additional work as outlined in Exhibit B of the report with funding available from Certificate of Participation Funds set aside for VELB mitigation.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council authorize Staff to negotiate the purchase of native plants from Cal Natives Nursery at a price not to exceed $15,000 from Certificate of Participation Funds set aside for VELB mitigation.

Disposition: Approved.
18. CONSIDERATION OF A RESOLUTION MAKING FINDINGS AND AUTHORIZING THE SIGNING OF AN AMENDED AND RESTATED LOCAL PROJECT AGREEMENT FOR THE SUCCESS RESERVOIR ENLARGEMENT PROJECT

Recommendation: The City has participated in a long process to develop an agreement for the project. The request is to approve the resolution making findings and authorizing the execution of the agreement.

The City Manager presented the staff report.

Council Member Hamilton expressed his opposition to the City’s participation in this project which he felt to be the responsibility of the State.

Peter Moock, Assistant County Counsel for Kings County, and counsel for the local project group of Kings County, the Lower Tule River Irrigation District, the Tulare Lake Basin Water Storage District, the Tulare County Flood Control District, and the City of Porterville, came forward and spoke regarding the need for them to enter into this agreement which is required by the State. He stated that State and Federal law require local participation in these types of projects.

Mayor Woods stated that it should be made clear that this was a flood control project due to the lack of adequate protection for a 100 year event. He stated that it would also place a $25 million project close to the City.

The Council briefly discussed the time frame for the project to begin, and Council Member Hamilton questioned whether the local entities would gain any benefit from the Lake Success Generator revenues.

The City Manager stated that the City would receive no money—it was the flood control aspect that drove this issue.

Mayor Pro Tem Gurrola stated that there would also be a benefit from the recreational aspects of improving the reservoir.

Council Member West asked that this item be held over so the new Council could make this decision.

The other Council members stated that they would rather vote on the item that evening, as time was an issue on this project.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council approve the resolution making findings and authorizing the execution of the agreement.

Resolution 31-2003

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

Disposition: Approved.

Mr. Moock spoke regarding the hard work and dedication of Mayor Woods, who represented the City at the project meetings. He thanked Mayor Woods on behalf of the project group.
19. APPROVAL OF AGREEMENT WITH BARTLE WELLS ASSOCIATES TO PERFORM SERVICES TO OBTAIN A LOAN TO FINANCE WASTE WATER DISCHARGE IMPROVEMENTS REQUIRED BY THE STATE

Recommendation: That the City Council act to:
1. Approve Bartle Wells Associates to proceed with a CIE.DB loan application; and
2. Authorize the Mayor to sign 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 still not comfortable with this and would like to see it continued to the next meeting.

Mayor Woods stated that the City was under time constraints.

Mayor Pro Tem Gurrola stated that a new Council would take a period of time for a learning curve, and they needed to act on this. She stated that any action would result in a rate increase, but there was no way around it. She stated that they had been under the gun for two years now.

COUNCIL ACTION

MOVED by Mayor Pro Tem Gurrola, SECONDED by Council Member Joyner that the Council approve Bartle Wells Associates proceeding with a CIE.DB loan application; and authorize the Mayor to sign the proposal and Addendum No.1.

M.O. 13-030403

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

Disposition: Approved.

20. NELSON TASK FORCE RECOMMENDATION

Recommendation: That the City Council approve the Nelson Building Option #2.

The City Manager presented the item and the Parks and Leisure Services Director gave the staff report. Option 2 stated that “All of the structures could be demolished and a portion of the site developed into a park or plaza. This would cost some money, possibly $60,000 if there is no asbestos. Sufficient monies are available in the City’s building fund to cover the cost. The interest from these monies has been used each year to pay on the Certificates of Participation from the General Fund. The annual cost impact to the General Fund from this use is about $1,200 per year. The City could then move to develop parking and a plaza on the southern two-thirds. An interim project could be completed at relatively low cost and a permanent installation made through using grant monies and non-profit sponsors. The northern one-third could be planted and held in reserve for public or private needs. The value of the approach is that the plaza would become an important downtown facility. Most successful downtowns have an area for performances to attract interest and attention. Currently, for Porterville this is not available to support the downtown. The plaza across from City Hall could serve a downtown venue for many activities. Maintenance costs of the area could run $10,000 per year depending on the maintenance required and the increased public activity”.
The Council discussed the options and the need for parking. Mayor Pro Tem Gurrola stated that approving Option #2 was only moving the process forward, as staff would be bringing back cost figures for Council consideration.

The City Manager stated that the Committee would bring back a future milestone request, a refined site plan, and possible funding sources for the plaza.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council approve the Nelson Building Option #2. The motion carried unanimously.

Disposition: Approved.

The City Council adjourned to a Meeting of the Porterville Redevelopment Agency at 8:27 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
March 4, 2003

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

WRITTEN COMMUNICATIONS
There were no written communications.

ORAL COMMUNICATIONS
There were no written communications.

SCHEDULED MATTER

PRA-1. CASAS DEL RIO - ESTABLISHING A LANDSCAPE MAINTENANCE DISTRICT

Recommendation: That the Agency direct staff to:
1. Begin the process of abolishing the Homeowner’s Association and establishing a Landscape Maintenance District for the Casas Del Rio subdivision.

The Agency Secretary presented the item and the Community Development Director gave the staff report.

Agency Member Gurrola stated that the property owners were appreciative and enthusiastic about having their own water bills. She also acknowledged Rosa and Miguel Huerta, who provided their garage for the meeting, and Maria Huerta Gonzalez, who had done a terrific job at maintaining and keeping that community together.

AGENCY ACTION

MOVED by Agency Member Gurrola, SECONDED by Council Member Hamilton that the Council direct staff to begin the process of abolishing the Homeowner’s Association and establishing a Landscape Maintenance District for the Casas Del Rio subdivision. The motion carried unanimously.

Disposition: Approved.

The Agency adjourned at 8:30 p.m. to the meeting of the City Council.
ORAL COMMUNICATIONS

Daryl Nicholson stated that he wished to bring to the Council’s attention a problem that several of the businesses in Porterville were facing. He stated that the problem lies in the fact that they were experiencing a growing problem of truckers using the property in front of their businesses for long-term, overnight, and one to three day parking. He stated that he had spoken to staff and given permission for a two-hour parking limit in front of his business, half of which he had already granted the right to paint red. He stated that the request came with a $500+ fee, and he was not the only person experiencing the problem. Mr. Nicholson stated that if they drove out on West Olive, especially on Friday and Saturday night, and all day Sunday, they would see it was a severe problem to maintain first class businesses out there, with a first class view of what they were trying to serve the public with. He stated that some truckers just park their trucks and leave in cars, and some unconnect their trailers and leave them sitting on the street with all their weight in the City gutters, which damages the street. He stated that there should already be an ordinance preventing this. He stated that this had just happened in the last few years, and it was happening all over the City, and in some cul-de-sacs it actually prevented the use of the street by the business owners. He asked that the Council direct staff to review the problem and bring back a recommendation in the near future to solve the problem, and if that didn’t work, then there should be thousands of two-hour parking signs in some facility that could be used. He stated that he would like the entire problem addressed by the Council.

Council Member Hamilton stated that he had addressed this problem and understood that the south side of Olive was controlled by the County. He stated that he would ask that they direct staff to come back with a recommendation. The other Council members concurred.

Mayor Woods directed the City Manager to prepare a recommendation. He stated that it might be possible to find some ground somewhere that they could direct truck parking to, although in time he was sure they would have a truck stop.

The City Manager stated that he had direction.

OTHER MATTERS

Mayor Pro Tem Gurrola stated that on Friday, March 7, at 5:30 p.m., she, the Chamber, the Recorder, and KTIP would be holding an assembly at the Memorial in Veterans Park in support of the men and women of the military leaving for active duty. She invited the Council members to attend.

Mayor Woods thanked Mayor Pro Tem Gurrola for her support and ‘pitch-hitting’ for him at various functions.

CLOSED SESSION


The Council convened to Closed Session at 8:40 p.m., and reconvened at 9:00 p.m.
ADJOURNMENT - The Council adjourned at 9:00 p.m. to March 10, 2003.

Georgia Hawley, Deputy City Clerk

SEAL