PORTERVILLE CITY COUNCIL MEETING
REGULAR MEETING JUNE 17, 2003
CITY HALL COUNCIL CHAMBERS

Call to Order: 7:00 p.m.
Pledge of Allegiance: Council Member Ron Irish
Invocation: Pastor Randy Daniel
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PRESENTATION

City Manager's Featured Projects for June, 2003

The Public Works Director, Hal Hill, presented a slide show highlighting the Scenic Heights Reservoir project. He provided a detailed description of the 42-foot diameter ring wall which was steel welded and constructed in three different layers.

Other projects highlighted by the City Manager included the Help Loan for the Casas Del Rio project, the Airport Memorial Wall, and the completion of the financial strategies for vulnerable funds.

ORAL COMMUNICATIONS

Robert Vanderhorst, 1482 Highland Drive, addressed the Council regarding the water tank constructed near his home, and referred to the article published in the Porterville Recorder on June 17, 2003. He stated that the tank was a detriment to his property and his property value. He offered the letter to the editor as part of the record.

Mike Real, 308 E. Grand, addressed the Council regarding the apartment complex project (Item No. 24) and concerns he had about traffic flow. The Mayor asked Mr. Real to withhold his comments until Item No 24 was discussed.

Boyd K. Leavitt, 457 E. Oak, addressed the Council regarding an 18-wheeler parked on private property on the northeast corner of Putnam and Plano, and the damage this may be doing to the curbs and gutters. He also asked Council to consider the possibility of refinancing the COPs which may provide additional funding due to the lower interest rates.

Ben Webb, 97 S. Corona Drive, addressed the Council regarding a parcel map on the east side and what the City's requirements would be relating to the site. He stated he hadn't received a response on the matter. The City Manager stated that a letter had been prepared for Mr. Webb to pick up at the counter; however, it was not picked up. Mr. Webb stated he didn't know the letter had been prepared.

Dick Eckhoff, 30 E. Oak, addressed the Council relating to Items 27 and 28. He stated that Item 27, the Downtown Plaza Master Plan, was an excellent idea for the downtown and Porterville. Relating to Item 28, the approval of the Civic Event application for the 2003 Bikers' Mission Run,
he requested that the processing of these applications involve communication with the Chamber and Downtown Porterville.

**CONSENT CALENDAR**

Item No. 5 was removed from the Consent Calendar.

1. **MINUTES OF JUNE 3 AND 10, 2003**

   **Disposition:** Approved.
   **Document No.:** Minute Order No. 01-061703

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.02-061703

3. **BUDGET ADJUSTMENTS FOR THE 2002-03 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. 03-061703

4. **AWARD CONTRACT -TRANSPORTATION CONSULTING SERVICES**

   **Recommendation:** That City Council:

   1. Authorize Staff to negotiate a contract with TPG Consulting;
   2. Authorize Staff to negotiate a contract with the second ranked firm if we are unable to negotiate an acceptable contract with TPG Consulting;
   3. Authorize the Mayor to sign all contract documents; and
   4. Authorize Staff to make payments up to 100% upon satisfactory completion of the work and exercise annual contract renewals.

   **Disposition:** Approved.
   **Document No.:** Minute Order No.04-061703

Recommendation: That the City Council approve the resolutions ordering: The Preparation of the Engineer's Report; the Engineer's Report; and set the Public Hearing for the proposed assessment for July 1, 2003.

Disposition: Approved.

7. NEGOTIATED PURCHASE -LASER RADAR GUNS

Recommendation: That City Council authorize Staff to negotiate with Kustom Signals, Inc., of Lenexa, KS, for the purchase of two ProLaser III radar guns utilizing OTS grant monies, at a cost of approximately $8,000. Further, that Council authorize payment upon satisfactory delivery and training of the equipment.

Disposition: Approved.
Document No.: Minute Order No.05-061703

8. AIRPORT LEASE -LOT 34C

Recommendation: That the City Council approve the assigning of the lease agreement between the City of Porterville and Mr. Bierman for Lot 34C to Mr. Mussen.

Disposition: Approved.
Document No.: Minute Order No.06-061703

9. VALLEY ELDERBERRY LONGHORN BEETLE MITIGATION PROVISIONS

Recommendation: That the City Council:
1. Approve the Conservation Easement, Management Plan and Declaration of Trust, subject to final review by the City Attorney;
2. Authorize the payment of $58,500 in COP funds to the Sequoia Riverbanks Trust as an endowment for the perpetual management of the Porterville Mitigation Area No.1;
3. Authorize the Mayor to sign the Conservation Easement and related documents establishing the Porterville Mitigation Area No. 1.

Disposition: Approved.
Document No.: Minute Order No. 07-061703

10. REIMBURSEMENT AGREEMENT FOR IMPROVEMENTS - WESTVIEW PLACE (Mary E. McClure)

Recommendation: That City Council approve the resolution establishing the reimbursement amounts to be collected before the benefitting property is permitted to connect to the Prospect Street and Median Avenue public improvements.
11. INCREASING FEES IN ACCORDANCE WITH THE MITIGATION FEE ACT

Recommendation: That the City Council act to approve the proposed increases in fees shown in the attached Exhibits "A" and "H."

Disposition: Approved.
Document No.: Minute Order No. 08-061703

12. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENGINEERING NEWS RECORD 20 CITY CONSTRUCTION COST INDEX

Recommendation: That City Council use this information to inform any citizens that may inquire about fee adjustments.

Disposition: Approved.
Document No.: Minute Order No.09-061703

13. PORTER VISTA PUBLIC UTILITY DISTRICT SEWER RATE INCREASES AND ADOPTION OF AN INDUSTRIAL PRETREATMENT ORDINANCE

Recommendation: That the City Council:
1. Authorize the Mayor to sign the Resolution adopting the new PVPUD sewer rates and treatment plant fees; and
2. Authorize the Mayor to sign the Agreement between the City of Porterville and Porter Vista Public Utility District concerning the industrial pretreatment program.

Disposition: Approved.
Document No.: Reso. No.75-2003; Minute Order No.10-061703

14. AGRICULTURAL MANAGEMENT AGREEMENT AMENDMENT

Recommendation: That City Council approve amendment No.1 to the Farm Management Agreement and authorize the Mayor to sign on behalf of the City

Disposition: Approved.
Document No.: Minute Order No. 11-061703

15. This Item has been removed.
16. ACCEPTANCE OF FINAL SUBDIVISION MAP -MEADOWOOD, PHASE THREE SUBDIVISION (NICHOLSON AND SMEE)

Recommendation: That City Council:
1. Approve the final map of Meadowood, Phase Three Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Disposition: Approved.
Document No.: Minute Order No.12-061703

17. ACCEPTANCE OF THE PORTERVILLE TRANSIT CENTER

Recommendation: That City Council:
1. Accept the Porterville Transit Center Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize 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.13-061703


COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve Item Nos. 1 through 4 and 6 through 17a of the Consent Calendar. The motion carried unanimously.

5. PARKS AND LEISURE SERVICES COMMISSION YOUTH MEMBERS

Recommendation: That the City Council appoint Pedro Luna, Shauner Christensen, Anadeli Madrigal, Ryan White and Carlos Rivas to serve on the Parks and Leisure
Services Commission as Ad Hoc members for a period of one year beginning July 3, 2003.

Council Member Irish questioned how many meetings there would be between now and the middle of January.

The City Manager responded they meet once a month.

Council Member Irish stated he would like to hear from this group in January to get input.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council approve Item No. 5.

M. O. 14-061703

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

PUBLIC HEARINGS

18. REVISION OF THE SEWER PRETREATMENT ORDINANCE

Recommendation: That City Council:

1. Give first reading to the ordinance revising the Sewer Pretreatment Ordinance;
2. Direct staff to notify the RWQCB of the revisions when the ordinance becomes effective; and
3. Approve the resolution rescinding Resolution No. 69-86 and setting new allowable limits for wastewater discharge.

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

Mayor Stadtherr opened the public hearing at 7:25 p.m.

No one spoke either in favor of, or in opposition to, this item.

Mayor Stadtherr closed the hearing to the public at 7:26 p.m. and opened the matter for Council comments.
Council Member Hamilton asked staff about any potential violation and who was required to do the cleanup.

The Public Works Director responded that if the problem was at our waste water treatment facility, the City would be responsible. Michael Cotton responded to the Council relating to fines. He stated it would be a minimum of a $1,000 fine and whatever the cost would be to rectify the problem.

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

COUNCIL ACTION

MOVED by Council member West, SECONDED by Council Member Hamilton that the Council approve the proposed Ordinance No.1636.

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

 movers by Council Member Irish, SECONDED by Council Member Hamilton that the Council waive further reading and order Ordinance No. 1636 to print.

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

21. REQUEST TO RECONSIDER SEWER RATE AND TREATMENT PLANT FEE INCREASE

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Stadtherr that the Council reconsider the Sewer Rate and Treatment Plant Fee increase.

AYES: Hamilton, Irish, Stadtherr
NOES: West, Martinez
ABSENT: None
ABSTAIN: None

Disposition: Approved.
Council Member Irish stated that things had changed over the last couple of weeks, and the urgency of two weeks prior no longer existed. He suggested bringing back this item in four or five months. It was pointed out that the time frame has not changed, nor has the deadline. The only thing that has changed is the amount the City is borrowing. The percentage of interest is also lower than initially announced. The payback amount (increase) from residents was to be 10% for the first year, and 6% for the next two years. Discussion ensued regarding the possibility of charging less than 6% for the third year.

Doug Dove addressed the Council and stated the 10% for the first year, and the 6% for the second year would definitely be required. For the third year, he stated the Council could consider it again, but from all the information available to him, it appears that the City will need the third year increase. He recommended that the Council look at the third year increase in a year or so to see what the actual results were compared to projections. The Council expressed its desire to list the first two-year-increases as 10% and 6%, respectively, with the third year increase to be determined.

It was also noted that another public hearing would be required again so that the fee could go into effect.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that the Council direct staff to bring this item back at the next Council meeting and place a resolution on the Consent Calendar, which resolution would include a 10% increase for the first year, a 6% increase for the second year, and the third year increase to be determined in the future.

M.O. No.16-061703

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

19. PUBLIC HEARING REGARDING PROPOSED CITY BUDGET

Recommendation:

1. Hold the Public Hearing;
2. Approve the Resolution of the City Council of the City of Porterville Adopting the General Fund Budgets for Fiscal Year 2003-2004;
3. Approve the Resolution of the City Council of the City of Porterville Adopting the Enterprise, Internal Service, and Capital Budgets for Fiscal Year 2003-2004 in the amount of $37,461,759;
4. Direct that budgetary status reports including the impact of State action and local events upon the adopted Budget be presented to the Council at the November 4, 2003, and the January 6, 2004 meetings.

The City Manager and the Administrative Services Director reviewed the proposed budget and responded to Council comments and questions. The emphasis was that this year's budget is at the same level as last year's budget. There is no increase for the General Fund departments; however there are increases in expenditures, and $775,000 had been taken into consideration as the likely impact to be expected from the State budget cuts.

Mayor Stadtherr opened the public hearing at 7:45 p.m.

Rachel Malandrini, 233 North E Street, questioned whether any of the budget matters would be discussed at the Strategic Issues session.

The City Manager responded that what was being presented was a maintenance budget that incorporates basic services and programs. The purpose of the Strategic Planning session is to define the course of the Council of a two or three-year time frame, and it has a longer time frame for consideration. He added that it would probably be November or December before the Council adopted the strategic issues and action plan, and those will formulate future budgets.

Mayor Stadtherr closed the hearing to the public at 7:48 p.m., and opened the matter for Council comments.

Council Member Hamilton asked that the $775,000 figure that took into account the possible budget cuts be explained for the public present.

The City Manager clarified that a possible compromise budget had been discussed which would involve about $600,000 of impact from existing budgetary sources in terms of State revenues. In addition, another $175,000 was an expected loss due to the expectation that we cannot expect to receive any revenue growth from Vehicle License Fees during the year. He added that with recent information, it appears that the original calculations are fairly accurate.

Council Member Irish thanked the City Manager and Administrative Services Director for their expertise. He added that the League of California Cities will be getting more powerful and successful in their lobbying over the next couple of years.

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

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council approve the Resolution adopting the General Funds Budgets for Fiscal Year 2003-2004, and also approve the

Reso. No.77-2003
AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Approved.

20. ENVIRONMENTAL REVIEW OF THE PLANO STREET BRIDGE WIDENING PROJECT

Recommendation:
1. Adopt the resolution approving a Negative Declaration for the Plano Street Bridge widening project.

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

Mayor Stadtherr opened the public hearing at 7:56 p.m.

No one came forward to speak either in favor of, or in opposition to, this item. Mayor Stadtherr closed the hearing to the public at 7:57 p.m.

Council Member West questioned staff how the entry and exit to this property would be handled if a portion of the parking lot was taken away.

Staff responded and stated that a left-turn into his driveway had been provided for, and this would be accommodated during construction.

Mayor Stadtherr closed the public hearing at 7:59 p.m.

COUNCIL ACTION
MOVED by Council Member Irish, SECONDED by Mayor Pro Tern Martinez that the Council approve the Resolution for the approval of the Negative Declaration for the Plano Street Bridge widening project.

Reso. No. 79-2003
AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None
SCHEDULED MATTERS

22. PROCEDURE FOR REQUIRING PROPERTY OWNERS TO REIMBURSE CITY FOR CURB, GUTTER & SIDEWALK IMPROVEMENTS MADE DURING THE PLANO STREET IMPROVEMENTS PROJECT, AND CONSIDERATION OF INTERIM AUTHORIZATION FOR FEES

Recommendation: That the City Council take the following actions:

1. Evaluate the City's current policy of requiring reimbursement for these improvements from the benefitted property owners upon development of the properties;
2. Set a public hearing for July 15, 2003, for the purpose of obtaining public input prior to the adoption of the fees to reimburse the City for curb, gutter and sidewalk improvements performed as part of the Plano Street Improvements Project; and
3. If the Council determines that it is appropriate to grant an interim fee authorization, adopt the Resolution authorizing the implementation of the fees as set forth in Resolution 8-99.

The City Attorney gave the staff report.

Ben Webb addressed the City Council and stated that he brought this matter before the Council previously. He stated they have people in the building business that are able to put in curbs and gutters for half the City's cost, but they weren't given that opportunity. He referred to the 1911 Act. He further referred to one person who would owe $22,000, and stated that the City has made a mistake in the way it handled this in the past.

The City Attorney addressed Mr. Webb's comments and stated that the 1911 Act is actually an alternative procedure for collecting money, but it is not the only procedure. Instead, what the Council did in 1999 was to impose those costs as conditions of development so that the property owners would not have to pay until they developed the property. This was an alternative course.

Council Member West asked what would happen if the City forgave these amounts.

The City Manager responded that Plano Street would total $71,000; Prospect would be $12,000; Westwood would be $52,000; and Granite Hills, Phase I would be $200,000.
Council Member Irish asked about when the curbs and gutters had been installed, and was informed it was in 1996, and the fees would be reimbursed to the City at the 1996 rates. He also questioned how this would be a surprise to anyone.

The Public Works Director stated if the property owner wanted to subdivide or build, he would come in for a Conditional Use Permit and would know at that time. They also knew that curbs and gutters were there, and it was an improvement to their property and made it worth more.

The City Attorney added that she was asking to provide for a public hearing and had provided them with an interim resolution which would assure that all property owners pay. She added that this was the first time this has come up. There are two applications, and this requirement has not yet been triggered. She stated that when we set the public hearing, we will notify every property owner on the list of benefitted properties.

Further discussion ensued about lack of notification, property owners not being permitted to make the improvements themselves, and where the money goes once it is collected. It was explained that the money collected would pay for the improvements already constructed.

Council Member Irish asked for clarification about the $22,000 surprise. Ed Street, 427 Grand, was the property owner referred to. Mr. Street said that Mr. Webb told him the amount would be $22,000 on his 600 feet of frontage. When asked if he had any plans to do anything that would require a permit, Mr. Street replied no.

Council Member West asked if the Council forgave the fees, would it be considered a gift of public funds.

The City Attorney stated that typically something cities do require benefitted property owners to pay for them. Our regulations require that property owners do reimburse. If we start requiring it for some, but not all, certain owners have been unjustly enriched.

Betty Webb, 608 N. Plano, addressed the Council and said she saw from the list that she owes $2,800. She said until Mr. Webb told Mr. Street, he had no idea he owed anything at all. She added that she thinks the City was in error in 1996 when they didn't notify people. But she added she's not saying she wasn't enriched.

Robert Vanderhorst, 1482 Highland, urged the City to look into how the property owners were notified at the time the improvements were made. He urged the Council not to adopt the interim resolution but to bring back the matter at a properly noticed meeting.

The consensus of the Council was to study this matter further and set the public hearing for July 15.
The City Attorney stated that setting the matter for public hearing will give all the property owners notice.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council set a public hearing on this matter for July 15, 2003, in order to notice all affected property owners involved of any potential liability.

M. O. No.17-061703

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council set a public hearing for July 15, 2003, in order to notice all other affected property owners Citywide of any potential liability.

M. O. No.18-061703

AYES: West, Martinez, Hamilton, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: None

Disposition: Public Hearing scheduled for July 15, 2003

Mayor Stadtherr called a short recess of the Council at 8:38 p.m., and the Council reconvened at 8:48 p.m.

23. AGREEMENT TO POST NO PARKING SIGNS AND ASSUME MAINTENANCE OF SCRANTON AVENUE BETWEEN WEST STREET AND WESTWOOD STREET

Recommendation: That the City Council:

1. Approve the agreement to allow the posting of "No Parking" signs and assume the maintenance responsibilities on Scranton Avenue along the frontage of the Sports Complex; and
2. Authorize the Mayor to sign the agreement with the County.

The City Manager introduced the item, and the Director of Community Development gave the staff report.
Mr. Dunlap informed the Council that he had been advised that the County would be making a few non-substantive modifications to the agreement, which would not materially affect the agreement before them.

Council Member Hamilton asked if this would give the City authority to do police activity in that area.

Mr. Dunlap stated it does give the City authority for traffic control. The City will have enforcement responsibility and be able to respond to accidents; it will have total liability of this area, road maintenance and all. He added that the City owns both sides of the road, and there is an anticipated annexation of the property on the north side, within the next nine to 12 months. He stated this was important for the management of the area.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council adopt Option No. 1: Approve the draft agreement and authorize the Mayor to sign documents as needed. This would allow the City to move forward and post "No Parking" signs on Scranton Avenue in front of the Sports Complex.

AYES: West, Martinez, Hamilton, Stadtherr
NOES: Irish
ABSENT: None
ABSTAIN: None

Disposition: Approved.

24. CONDITIONAL USE PERMIT 1-2003– PERMIT DEVELOPMENT OF A 61-UNIT "AFFORDABLE" APARTMENT COMPLEX ON THE SOUTHWEST CORNER OF GRAND AVENUE AND PLANO STREET

Recommendation: That the City Council:

1. Adopt the Resolution approving Conditional Use Permit 1-2003 to allow development of a 61-unit apartment complex on a 3.7± acre parcel in the R-2 Zone on the southwest corner of Grand Avenue and Plano Street, subject to conditions of approval.

The City Manager introduced the item, and the Director of Community Development gave the staff report.
Mr. Dunlap stated that Plano Street is developed at arterial standards which can handle about 22,500 trips per day. The traffic studies show there are approximately 8,000 trips per day, about 30% of capacity. He added that Grand Avenue will be widened to full street width. He stated that the streets will operate at ample capacity to accommodate the 400 trips per day expected to be generated from this project. He added that the proposed development greatly exceeds many of the development standards required. He stated that the developer is requesting a concession of the provision of covered parking and a six-foot fence. He reviewed added conditions such as the increase in the number of trees in the parking lot and a block wall. Subsequently, the developer has agreed to install a bus turn-out lane on Plano for access to the Transit System bus service.

Ben Lingo spoke in favor of the potential development at 295 E. Grand. He stated that staff and Council have worked very diligently and he appreciated their efforts. Many suggestions in the discussions are now evident in the project as it is now proposed. He felt it was a good thing and he appreciated the input. He added that a bus turn-out lane will be constructed which will alleviate the potential traffic congestion and concern. They will also provide for a pedestrian gate for access to the bus turn-out. He provided the Council with some examples of older projects they have developed, and stated they plan to build a nice project and they will be obligated to keep it up.

Tom Lingo also spoke in favor of the project and stated they do research on their tenants and everyone has to have a Tier 1 Credit and background check.

Rachel Malandrini, 233 N. E Street, stated she wasn't for, or against the project. She asked about the "affordable" housing and if that meant low income housing; the covered parking; and where all the children would be going to school.

Mr. Dunlap responded that there will be a school redistribution when the Santa Fe Elementary School is built. It will be up to the schools if they have capacity. He added that the "affordable" housing meant housing opportunities for very low, low income and moderate.

Ms. Malandrini also asked why projects this nice were being built.

Mr. Lingo responded that they were given the privilege of attaining Federal tax credits to build the projects, and it was their obligation to build them as nice as they can. He states they have long waiting lists.

Ed Street, 427 E. Grand, asked about the occupancy requirements and traffic concerns.

Mr. Dunlap stated there will not be parking along the street on Plano, and they project there will be one car every two minutes in or out of the site. This site is no different than any other development in the City as to how they will access their property.

Teresa Ringe, 567 Kevin Lane, questioned if families who are on Section 8 would be some of the people living in this complex.
Ben Lingo responded they would not turn families away who were on Section 8, but it would be a case-by-case basis. They could have none – they could have many, but they wouldn't be turned away.

Betty Webb, 608 N. Plano, stated they own 20 acres on the northeast corner of Plano and Grand. She requested to read the letter of Burton Wilder into the record. Mrs. Webb expressed her concerns regarding the occupancy limit and what would occur if the investor sold the property after it was developed. She further stated the traffic is terrible at Roche School and with the school being unable to handle additional students, she was concerned it would be placing the children in danger. She requested that the Council either deny the project or not allow more than 53 units.

Art Chiapa, 276 E. Grand Avenue, stated that Plano is a busy road and this would be too much occupancy for the area.

Mr. Martinez, 181 W. Putnam, stated that the upgrades are good but they will be pulled at a later day, and covered parking is stationary.

Dawn Beach, 370 E. Kanai, addressed the Council stating she had concern for the children getting hurt because the wall would not keep them in.

Nancy DeVries, 523 N. Murry addressed the Council stating there were too many units, not enough room, and there needed to be covered parking.

Howard Smith, 421 E. Morton, addressed the Council regarding the extreme density of the project and the additional traffic at Plano and Morton.

Council Member West stated that any street in Porterville has heavy traffic.

Mayor Pro Tem Martinez referred to the credit checks on the tenants and questioned what guarantee they had that these standards will be kept.

Ben Lingo responded there is a tax credit compliance period of 15 to 17 years as well as monitoring on a quarterly basis and mortgage requirements. He stated their business plan is to build and hold this project.

Mayor Pro Tem Martinez also stated his concerns regarding no covered parking.

Mayor Stadtherr stated he did go to the site between 3:15 and 4:00 p.m., but did not notice any traffic problems. He stated he asked Mr. Lingo to provide for a bus pull-out for public transportation to discourage the use of private vehicles.

Council Member Hamilton stated he likes to deal with facts and the land on Plano is zoned R-2 for family residential. If we don't allow a project, somebody will build R-2. He stated he thoroughly agrees with the traffic hazards on Plano, but anybody living in a complex that has
another way out will use it. He added that we're only using 30% of our traffic capacity, and that area is going to be developed. He stated that what he was hearing was that it is a great project – just build it somewhere else. He stated he shares every aspect of what was felt (by the residents in the area), and he deals with it. He added that this project fits the housing and zoning standards.

Council Member Irish stated this project fits this location, and the City cannot legally limit the number of people residing in the complex. However, covered parking is an issue. He stated it would be ideal to have a lot of trees and a lot of covered parking, but he would rather see a lot of trees. He added that projects need to have trade-offs, and the developer has a good track record. He stated they are not asking for minimum standards and maximum build-out, and traffic problems mean the City is growing. He asked if the City could red-curb Grand on the south side, and the staff’s response was yes.

Mayor Stadtherr recessed the Council at 10:10 p.m. for a short break, and the Council reconvened at 10:21 p.m.

The Council discussed the pertinent Government Code sections and stated it shall either grant a density bonus or provide other incentives or conditions. The question was raised if the City could exchange the construction of the carports for an equal value in the reduction of the density. The discussion was whether there could be a reduction in the number of units and ideas for a reasonable proposal. After discussion, the Council expressed that a fair compromise could be a reduction in units from 61 to 57, and no covered parking.

Council Member Irish stated the developer has been up front with them from day one. From a business point of view, there would be maximum build-out with no covered parking. He stated he saw the value of it from a security point of view – it would be better with no covered parking, but we're getting to a matter of preference.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the Council approve Conditional Use Permit 1-2003 with an added condition of red curbs on the south side of Grand, approval of 61 units with no covered parking.

After discussion, the following vote was taken:

AYES: Irish
NOES: West, Martinez, Hamilton, Stadtherr
ABSENT: None
ABSTAIN: None

MOVED by Council Member Hamilton, SECONDED by Mayor Stadtherr that the Council approve Conditional Use Permit 1-2003 with a reduction in units from 61 to 57, an added condition of red curbs on the
south side of Grand, no covered parking, construction of a block wall and large canopy trees.

Reso. No.80-2003

AYES: West, Hamilton, Irish, Stadtherr
NOES: Martinez
ABSENT: None
ABSTAIN: None

Disposition: Approved.

Mayor Stadtherr stated he was impressed with the conduct of everyone involved in this process. Council Member Hamilton thanked Hal Hill for all the work he has done with the City of Porterville, and acknowledged that this was his last meeting with the Council. He also recognized Mr. Hill's family.

Tom Lingo thanked the staff, Council and the public for their input and stated they will build something that the City of Porterville will be proud of.

25. SKATEBOARD PARK UPDATE

Recommendation: That the City Council continue to approve the fund-raising effort and grant applications by staff for the development of the Skateboard Park.

The Director of Parks & Leisure Services presented the staff report. He gave a chronology of the project from March 7, 2000 through February 4, 2003. He stated that approximately $5,000 had been raised from fund-raising efforts. The City Council has approved a Land and Water Fund Grant Application which is eligible for use as a match for the skateboard park, and if approved, the City will be able to proceed with the development of the skateboard park. Mr. Meachum also stated that any change in location of the site will void the grant received, as well as the grant for which the City is competing.

Council Member Irish stated there are still many people with concerns about the location of the skateboard park.

Council Member West stated it will be in a regular park, close to the Fire Department, and stated he would like to see it remain “as is.”

Pete McCracken, 657 Village Green, stated it appeared that there aren't many people in the City of Porterville that support the skateboard park unless it is given to them with grant money. There has only been $5,000 raised, and that was a year ago, and it can't cover the annual maintenance.
Rachel Malandrini asked where the fund raising had been done and stated she could guarantee many mothers could send in $10 or $20 each, which will add up to a lot of money, but she didn't even know that any fund raising was going on.

Mr. Meachum stated that the fund-raising efforts had been in the newspaper considerably, and also canisters were available at different locations.

April Tolson, 246 S. Chestnut, stated they were very far into a project and even to be questioning it now seemed ridiculous. The site was chosen by Parks &Leisure, kids and the Council. It has been worked on for years, and this should just be an informational item. She added that it's time to finish something instead of undoing everything that has been started.

Mayor Pro Tem Martinez stated he has been real concerned for a long time and wants to get the skateboarding off of the parking lots. He stated he would like to have an opportunity to look at other skateboard parks and look into potential hazards. He questioned whether a trip could be organized.

Council Member Hamilton stated he would like to keep the project going but obtain more information.

This was an informational item only.

26. SPORTS COMPLEX FEES

Recommendation: That the City Council continue the fees at the Sports Complex in line with the FY 2003/04 budget.

The Director of Parks & Leisure Services reported on the fees for the Sports Complex. Large special events at the park are expected to increase next year, which will contribute to more revenue through the parking fee. The pricing strategy behind the parking fee is based on equity – those who benefit should help pay for it. He added that all Sports Complex revenues have been programmed in the budget and are essential in maintaining staffing levels at the site and recommended the Council continue the fees at the Sports Complex.

This was an informational item only and Council accepted the staff recommendation to continue the fees.

27. PORTERVILLE DOWNTOWN PLAZA MASTER PLAN

Recommendation: That the City Council approve:

1. The Conceptual Master Plan;
2. Direct the City Manager to demolish the existing building in FY 2003-2004 using budgeted funds;
3. Direct the Parks and Leisure Services Director to meet with local service organizations to define commitments for the development of components of the Plaza (i.e., the Gazebo, turf area, trees, clock, etc.);

4. Direct the Community Development Director through the City Manager to market the northern commercial site after demolition for use as a restaurant, bookstore or related facility;

5. Request the Nelson Task Force to continue to review and refine the Master Plan for the Nelson Building area;

6. Name the site, options are: Centennial Plaza, Downtown Plaza, Nelson Plaza, Royal Porter Putnam Plaza, Downtown Park, Main Street Park, Cleveland Court Park, or Civic Center Plaza.

The Director of Parks & Leisure Services gave the staff report.

Council Member Hamilton asked how much of the 18,000 square feet was being used. The response was that two-thirds was being used, and one-third could be for a future use such as a restaurant.

When asked about projected costs, it was reported that the gazebo could cost approximately $30,000 to $40,000, and that service clubs may be interested in assisting. The projected cost of maintenance could be up to $10,000 per year. When asked if there was any way to recoup costs, it was suggested the building could be rented out for special uses. It was also estimated that the demolition could cost about $70,000.

Council Member Hamilton also asked about the possibility of working with a local developer to develop the park for us – they would do the demolition, they would develop it, etc.

Council Member Irish suggested that a sound system be tied into the rest of Main Street.

The City Manager stated that based on the concept presented and the suggestion for the sound system, we could advertise in the paper and see if there is a local developer interested in discussing with the City the implementation of the program.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve the Conceptual Master Plan and direct the City Manager to solicit proposals with local developers, with the processing of any proposals to be completed through the Redevelopment Agency.

M. O. No.20-061703

AYES: West, Martinez, Hamilton, Irish, Stadtherr

NOES: None

ABSENT: None

ABSTAIN: None
28. APPROVAL FOR COMMUNITY CIVIC EVENT 2003 BIKERS' RESCUE MISSION RUN JUNE 28, 2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Harley Owners Group Chapter 1105 for the 2003 Bikers' Rescue Mission Run on Saturday, June 28, 2003, with no street closure, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit "A" of the Community Civic Event Application and Agreement.

Rhea Black, 275 N. Lotas, addressed the Council concerning this matter. She stated she submitted the application on May 9. She didn't go to the Chamber of Commerce or Main Street Porterville because she didn't know she should.

Council Member Hamilton stated we have had numerous events in the past where we've closed the street. There will only be two businesses involved one day for about two hours.

Dick Eckhoff, 30 East Oak, stated they hadn't had time to discuss it, but there weren't more than one or two businesses at that location.

Donnette Silva-Carter, on behalf of the Chamber of Commerce, stated they weren't aware of the application until that day; however, this was an organization that is new with putting on events.

Council Member Irish stated this is a new organization trying to get started. Somewhere along the line, somebody from the City should have said before they pursue this any further, please check with the Chamber or Downtown for input.

At that point, Council Member Hamilton realized he may have a conflict and chose to abstain from any further discussion or action on this item.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the City approve this matter with the closure of Main Street.

M. O. No. 21-061703
AYES: West, Martinez, Irish, Stadtherr
NOES: None
ABSENT: None
ABSTAIN: Hamilton

Disposition: Approved.
The Council stated this was an exception, not a routine practice to close Main Street. They hoped there will be better coordination in the future. When an application is received, a copy of the application shall be put in mail boxes for both the Chamber of Commerce and the Downtown organizations.

The City Council adjourned to a meeting of the Porterville Redevelopment Agency at 11:48 p.m.

PORTERVILLE REDEVELOPMENT AGENCY
June 17, 2003

Roll Call: Agency Members West, Martinez, Hamilton, Irish, Stadtherr

WRITTEN COMMUNICATIONS
There were no Written Communications.

ORAL COMMUNICATIONS
There were no Oral Communications.

SCHEDULED MATTERS
PRA-l. REDEVELOPMENT AGENCY 2003-2004 BUDGET

The Community Development Director gave the staff report, after which Agency Member Hamilton stated it was a disappointing budget, but all they had to work with. He added it was done well with what staff had to work with.

AGENCY ACTION: MOVED by Agency Member Hamilton, SECONDED by Agency Member Martinez that the Redevelopment Agency approve the 2003-2004 Redevelopment Budget. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS
There were no Oral Communications.

OTHER MATTERS
Council Member Irish asked how the Deputy City Clerk was doing and wanted to make sure she knew the Council was thinking about her. He also asked about the possibility of getting the agendas on a CD disk. He further requested laser pointers for the Council.

Council Member Hamilton stated that Mr. and Mrs. Longley and their cadets were quite impressive at the Flag Day Ceremony.
Mayor Stadtherr requested that a future agenda item be prepared to discuss the possibility of forming a Community Advisory Group on Air Quality Issues.

**CLOSED SESSION**

Mayor Stadtherr adjourned the Council at 11:55 p.m. to the Closed Session.


The Council reconvened from the Closed Session at 1:00 a.m. No action was taken.

**ADJOURNMENT**

The Council adjourned at 1:00 a.m. to June 21, 2003.

Georgia Hawley, Deputy City Clerk

SEAL

Richard M. Stadtherr, Mayor