Call to Order:  7:00pm  
Pledge of Allegiance:  Mayor Pro Tem Martinez  
Invocation: Pastor Chad Ramage, Porterville Nazarene Church  
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr  

PRESENTATIONS  

Mayor Stadtherr presented plaques for three outgoing Committee Members - Parks and Leisure Services Commissioner Mike Sawyer, Library Board of Trustee Lori Barker and Library Board of Trustee Kenneth Neal.  

PROCLAMATIONS  

• HONORING LAWRENCE BILLIOU, JR.  
  The proclamation was read and then presented to his son, John Billiou.  

• “SIERRA MUSIC FEST 2003" - OCTOBER 11, 2003  
  The proclamation was read and then presented to Donnette Silva-Carter, Porterville Chamber of Commerce.  

ORAL COMMUNICATIONS  

• April Tolson, 246 S. Chestnut, expressed her support for the Skateboard Park and the fundraising efforts of the town’s youth.  She suggested that there be more of an active role in regards to fundraising on the part of Parks & Leisure and adult parties in general.  

• Kyle Kessler, 2494 W. Memory Lane, came forward stating that he did not support the proposed location of the Skateboard Park.  He did not feel it would be appropriate to erect the facility at Veteran’s Park due to the fact that the park is a Memorial to our town’s Veterans.  

• Brenda Gemmell, 15262 Rd. 222, addressed council on behalf of the Charles and Mary Lou Spencer Trust Estate requesting that the council consider raising the moratorium on alcohol sale in excess of the 600 ft. at the West Olive Chevron location.  

• Dan Stadtherr, 1441 Pamela Circle, addressed council in regards to the advancements and benefits of Solar Power.  He suggested to council the adoption of solar electric paneling in new residential and commercial construction, as well as public and government buildings.
CONSENT CALENDAR

Items No. 4, 6, 8, 9, 11, 12, 13, 15, and 21 were removed from the consent calendar.

1. MINUTES OF AUGUST 5 AND SEPTEMBER 15, 2003

Disposition: Approved
Documentation: Minute Order No. 01-100703

2. CLAIM – JOHN EBY

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

Disposition: Approved
Documentation: Minute Order No. 02-100703

3. CLAIM – SYLVIA FLORES

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

Disposition: Approved
Documentation: Minute Order No. 03-100703

5. AWARD OF CONTRACT FOR JAYE STREET WATER MAIN PROJECT

Recommendation: That City Council:
1. Award the Jaye Street Water Project to Halopoff & Sons Inc., in the amount of $74,927.90;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Disposition: Approved
Documentation: Minute Order No. 04-100703

7. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-102-002 - ALBA - ORANGE AVENUE STREET RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to make payment to Mr. Joe Gumaro Alba and Adela F. Alba, owners of the property, in the amount of $271.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

Disposition: Approved
Documentation: Resolution No. 123-2003

10. CONFIRMATION OF FUNDING FOR THE NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council ratify, confirm, and agree to the use of Section 108 funds for the Neighborhood Community Center and authorize the Mayor to sign all necessary documents for the funding commitment.

Disposition: Approved
Documentation: Minute Order No. 05-100703

14. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT BUTTERFIELD STAGE DAY - OCTOBER 17, 2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement from Porterville Unified School District, subject to the Restrictions and Requirements contained in the application, agreement and Exhibit “A.”

Disposition: Approved
Documentation: Minute Order No. 06-100703

16. APPOINTMENT OF PARKS AND LEISURE SERVICES COMMISSION MEMBERS AND LIBRARY BOARD OF TRUSTEES MEMBER

Recommendation: That the City Council approve:
1. Re-appointing Commissioner Tolson to a second term and Commissioner Keele to a first term and Trustee Clark to a second term.
2. Scheduling the regular City Council meeting of October 21, 2003 for appointment of:
   • One Parks and Leisure Services Commissioner for a term from November, 2003 through October, 2007;
   • One Library Trustee for a term from November, 2003 through October, 2006; and
   • One Library Trustee for the remainder of a term to expire October, 2004.
3. Directing preparation of a Municipal Code amendment creating an ex-officio Library Trustee to be appointed by the Porterville College President.
17. AIRPORT LEASE – LOT 49B

Recommendation: That the City Council approve the assigning of the lease agreement between the City of Porterville and Mr. Peter Raventos for Lot 49B to Mr. Mike Quataker.

Disposition: Approved
Documentation: Minute Order No. 07-100703

18. BUDGET ADJUSTMENT – FIRE DEPARTMENT

Recommendation: That the City Council:
1) Authorize the staff to accept the grant funds,
2) Authorize the Finance Department to establish a special fund in the Fire Department budget for the funds.
3) Authorize a budget adjustment to the Fire Department in the amount of $1,500.

Disposition: Approved
Documentation: Minute Order No. 08-100703

19. EXPANSION OF POLICE K-9 PROGRAM

Recommendation: That the City Council:
1) Approve the expansion of the Police K-9 program from two teams to three teams;
2) Approve the purchase of three police service dogs at a total cost of $9,000;
3) Approve the expenditure of asset forfeiture funds for K-9 vehicle conversions and refurbishment, and purchase of special equipment, in the amount of $14,000;
4) Authorize the Mayor to execute all agreements and necessary documents to enact the plan.

Disposition: Approved
Documentation: Minute Order No. 09-100703

20. RETIREMENT OF POLICE SERVICE DOG

Recommendation: That the City Council:
1) Approve the retirement and sale of K-9 “Bosko” to its current handler;
2) Authorize the Mayor to execute the agreement necessary to complete the transaction.

Disposition: Approved
Documentation: Minute Order No. 11-100703

22. REORGANIZATION FOR PARKS AND LEISURE SERVICES AND ADMINISTRATIVE SERVICES

Recommendation: That Council adopt a resolution providing for the reorganization of City forces, authorize staff to implement the modifications, and authorize the reallocation of existing budgeted resources into the proper payroll accounts.

Disposition: Approved
Documentation: Resolution No. 124-2003

23. CONFLICT OF INTEREST RELEASE FOR CITY ATTORNEY – CWMA

Recommendation: That the Council authorize the City Manager to sign the waiver of a possible conflict of interest statement, allowing the City Attorney’s firm to participate in the Request for Qualifications process, and possibly serve as legal counsel to the CWMA.

Disposition: Approved
Documentation: Minute Order No. 12-100703

23a. AGENDA PROCESSING

Recommendation: This report is provided for information.

23b. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR, AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUPS: PORTERVILLE POLICE OFFICERS ASSOCIATION, PORTERVILLE CITY EMPLOYEES ASSOCIATION, AND PORTERVILLE CITY FIREFIGHTERS ASSOCIATION.
CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54956.9 – PENDING LITIGATION (ONE CASE).
CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: BRAD MAPLES AND STEVE ALLEN V. CITY OF PORTERVILLE, ET AL.

COUNCIL ACTION
MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council approve Item Numbers 1 through 3, 5, 7, 10, 14, 16 through 20, and 22 through 23b of the Consent Calendar. The motion carried unanimously.
4. 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.

The City Manager presented this item to council.

Council Member Hamilton expressed concern for the expenses incurred for the repair of the golf carts, and suggested that the golf carts be retired sooner to decrease repair costs.

The City Manager suggested that the order for 10 new golf carts be expedited to upgrade the fleet, and that the maintenance prone golf carts be retired.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West to approve item No. 4, also to expedite the purchase of the ten golf carts scheduled to be purchased this fiscal year, and to accelerate the retirement of those golf carts requiring excessive maintenance.

M.O. 13-100703

M.O. 14-100703

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

Disposition: Approved

6. AUTHORIZATION TO AWARD CONTRACT – AMENDMENT TO PROJECT AREA NO. 1 OF THE PORTERVILLE REDEVELOPMENT AGENCY

Recommendation: That City Council:

1. Authorize the award of contract to GRC Redevelopment Consultants for the preparation of the Amendment to Project Area No. 1 for the Porterville Redevelopment Agency;
2. Authorize the Mayor to sign all contract documents; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

The City Manager presented the item, and questions were addressed.

Council Member West questioned why there were no local contractors or engineers contacted for the job.

The City Manager explained that basis for contact was a qualification list provided by the California Redevelopment Association, and there were no Porterville firms on the list.
Mayor Stadtherr questioned if it was required that the contractor or engineer chosen for the project be on the list provided by the California Redevelopment Association, at which point the City Manager stated that it was not a requirement, but the criteria used for selection.

Mayor Pro Tem Martinez asked staff if there was a way to expand the list used.

Community Development Director Brad Dunlap responded by stating that if there were local firms qualified they would have been added to the list, however there were none.

Mr. Longley then added that he is working with the Deputy City Manager on providing the public the opportunity to see all solicitations of requests for qualifications and proposals in the future.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to accept staff recommendations 1, 2 and 3. The motion M.O. 15-100703 carried unanimously.

Disposition: Approved

Council Member Irish stated that he would be abstaining from Items No. 8 and 12.

8. ACQUISITION OF EASEMENT – PROPERTY LOCATED AT 655 N. NEWCOMB ST. – HARLAN BENTZ

Recommendations: That City Council:
1. Authorize staff to make payment to Arlene C. Bentz successor to Harlan Bentz, one of three owners of the property, in the amount of $500.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to accept Item No. 8 as written.

Resolution 125-2003
AYES: West, Hamilton, Martinez, Stadtherr
NOES: None
ABSTAIN: Irish
ABSENT: None

Disposition: Approved

9. SIGNATURE AUTHORIZATION

Recommendation: That the City Council adopt the draft resolution authorizing the City Manager to delegate authority to the Community Development Director to sign all Development Fee Payment Plan Agreements, Environmental Certifications, and other standard documents for the implementation of Housing/CDBG
programs and projects being administered by the Community Development Department.

The City Manager stated that Council Member Hamilton requested that this item be removed, and asked council if they wished to address questions, or have a staff report presented.

Council Member Hamilton stated that he did not want to see this responsibility given away.

Mayor Stadtherr asked to hear the advantages and disadvantages from staff.

The City Manager stated that he saw the delegation of authority as an advantage, due to the fact that the documents are very technical in nature, stating that he basically signs the documents based on a recommendation.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West to deny changes to the Signature Authorization procedures, and to leave them as is.

M.O. 16-100703

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

Disposition: Request for resolution denied.

11. AUTHORIZATION TO COMMENCE ABATEMENT PROCEEDINGS PURSUANT TO SECTION 3205 A OF THE CITY OF PORTERVILLE ZONING ORDINANCE – SOUTH SIDE OF MORTON AVENUE JUST WEST OF STATE HWY. 65

Recommendation: That the City Council authorize the City Attorney to start abatement proceedings pursuant to Section 3205 A of the City of Porterville Zoning Ordinance.

The City Manager presented this item to the Council.

Mayor Pro Tem Martinez requested further explanation of the abatement procedures.

Community Development Director, Brad Dunlap then explained that an abatement procedure entails referring the matter to the City Attorney in attempt to get the property owner to abate it. If the property owner fails to do so, the matter would then move into the legal realm, going to court to have an injunction, which would then require the removal of the sign.

The City Attorney then simplified the explanation for the Council. Stating that the staff will contact the property owner by mail, set up guidelines for the removal of the sign, and if they do not abide a complaint is filed for order of abatement.
Mr. Dunlap then stated that they have been notified by certified mail multiple times, but have failed to respond.

Council Member West then asked the City Attorney to explain Section 2020-A1 of the Zoning Ordinance in this situation.

Mr. Dunlap explained that the only place the sign was allowed to be placed is at the same site as the business. Whereas the sign in question is located on a vacant lot.

Mayor Pro Tem Martinez inquired as to the length of time the sign has been present on the vacant lot, to which Mr. Dunlap answered a number of months. Mayor Pro Tem Martinez then asked if there had been any attempts at notifying the individuals personally.

Mr. Dunlap stated the lot is vacant and therefore the business owner is not on the site, but that there has been one instance of personal contact where the owner eluded to removal of the sign, but did not follow through.

Council Member Hamilton stated that although the Sign Ordinance may be rewritten in the future, at this point there is a Sign Ordinance in effect, and they are in clear violation.

Mayor Pro Tem Martinez agreed, but stated that he did not feel that the Ordinance is not being enforced appropriately and in a consistent manner.

The City Attorney then stated that approval of the item would be a way to achieve the enforcement of the Sign Ordinance if compliance was not achieved at staff level, and would not mean that there would be no further attempts at communication with the owner.

Mayor Pro Tem Martinez inquired as to the cost of abatement proceedings, stating that it would be worth the extra time and effort to continue trying to achieve compliance at staff level.

Mr. Dunlap responded that every effort has been made on the part of staff to contact the owner and they have not been successful at attaining compliance.

Council Member Hamilton stated that the matter has been brought to Council because staff has been unable to achieve voluntary compliance up to this point, and that in most cases compliance is achieved.

Council Member Irish then stated that in order to prevent a loss of time and money in the future a good, fair, and consistent Sign Ordinance will be necessary.

The City Attorney explained that costs to the City to remove the signage, if allowed by the order, are recoverable, but that up to this point the time and money put in to achieving voluntary compliance is not recoverable.
COUNCIL ACTION

MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member West to approach the owner once more, and allow two more weeks to pass before forwarding the matter to the City Attorney.

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

Disposition: Motion Failed

COUNCIL ACTION:

MOVED by Council Member Hamilton, SECONDED by Council Member Irish to accept item No. 11 as written and set forth the Abatement Process to the City Attorney.

M.O. 17-100703

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

Disposition: Approved

12. INTENT TO VACATE PUBLIC STREETS, PUBLIC UTILITY AND DRAINAGE EASEMENTS RELATED TO NEW EXPRESSIONS, PHASE THREE (ENNIS HOMES, INC.)

Recommendations: That City Council:
1. Pass a Resolution of Intent to Vacate Parcel 1, Parcel 2, Parcel 3, Parcel 4 of Exhibit “B” of the Grant of Easement conveyed to the City of Porterville recorded December 22, 1997 as Document No. 97-089392 of Tulare County Official Records; and
2. Set the Council meeting of November 4, 2003 as the time and place for a public hearing.

COUNCIL ACTION

MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member West that the Council approve Item No. 8.

Resolution 126-2003

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

Disposition: Approved
13. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - NO PARKING ZONE ON THE EASTSIDE OF NORTH MAIN STREET

This item was pulled from the agenda.


Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit “A.”

Council Member Irish suggested that Council require the use cautionary tape for the safety of participants.

COUNCIL ACTION
MOVED by Council Member Irish, SECONDED by Council Member Hamilton to approve item No. 18 with the amendment that cautionary tape is used for the safety of participants. The motion carried unanimously.

Disposition: Approved

21. TRAVEL INSURANCE ON CITY COUNCIL

Recommendation: That the Council authorizes staff to add the members of the Council to the travel insurance policy at the next possible opportunity, and authorize the coverage until further notice.

Council Member Irish requested that this item be brought back to Council during the January Budget Review, to ensure that funds to approve this item are available.

It was determined that the costs, ($159 per year for all five Council Members) would not affect the budget.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to approve Item No. 21. The motion carried unanimously.

Disposition: Approved

The Council took a 10 minutes recess at this time.
PUBLIC HEARING

24. ABANDONMENT OF A PORTION OF WILLOW AVENUE (SAN ANTONIO ORCHARD COMPANY)

Recommendations: That City Council:
1. Adopt the Resolution of Abandonment, including reservations, for said portion of Willow Avenue; and
2. Authorize the City Clerk to record the Resolution of Abandonment with the County Recorder

This item was presented by the City Manager and Mr. Rodriguez gave the staff report.

Mayor Stadtherr opened the matter for Public Hearing at 8:11pm, and closed the hearing at 8:12pm. When no one came forward to speak in favor or in opposition of the resolution.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Council Member Hamilton that the Council adopt the Resolution of Abandonment and authorize the City Clerk to record the Resolution of Abandonment with Resolution 127-2003 the County Recorder. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

25. REQUEST FOR A TEMPORARY TENT STRUCTURE FOR BEST WESTERN PORTERVILLE INN

Recommendation: That the City Council:
1. Adopt the attached resolution and conditions of approval for the temporary tent structure. The structure shall be removed no later than March 31, 2004.

The City Manager presented the item and Mr. Dunlap gave the staff report.

Mark Hillman, of Hillman Building Design, 620 W. Olive, came forward to speak in regards to the time frame for the permanent structure. He explained that the applicant has put out significant expenditures in order to accommodate the area for the permanent structure.

Council Member West stated if the structure meets all the codes, he has no problem allowing the temporary structure to be erected.
COUNCIL ACTION  
MOVED by Council Member Hamilton, SECONDED by Mayor Pro Temp Martinez that Council adopt the resolution and conditions of approval for the temporary tent structure. The motion carried unanimously.

Disposition:  Approved

26. CONCRETE IMPROVEMENTS AND REIMBURSEMENT RELATED TO STREET RECONSTRUCTION PROJECTS

Recommendations: That City Council:
1. Adopt the attached resolutions and authorize record notice provided that such notice does not cloud title to the property;
2. Increase the building permit valuation threshold from $9,638 to $20,000 over two years;
3. Exempt from the threshold, any improvements for health, safety, and/or weatherization;
4. For single family residences, allow a contract to be entered upon, where payments may be made over a five-year period in lieu of the current three-year payment period; and
5. Implement the “Deduction for Unneeded Concrete Improvements” policy as defined above.
6. Direct the City Attorney to amend the ordinance to incorporate the procedural changes approved by the City Council.

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

Council Member Hamilton questioned the protest process and requested that all protests come immediately before the Council.

The City Attorney said that there is also a Statutory Protest Procedure that will be invoked, because it is pursuant to the Litigation Fee Act, which actually allows for a longer time, but that protest procedures are not actually embodied within the resolution itself.

Council Hamilton then asked if there was any sort of moratorium on the Curb and Gutter Fees.

The City Manager stated that as long as the curb and gutter are present and functional that the fee would apply.

Council Member Irish asked if there was any interest earned on the payment period, being that it is being proposed they extend the period two years, to which the City Manager replied that a 10% interest rate applied.
Council Member Irish expressed his concern for the substantial increase of the building permit valuation threshold.

The City Manager stated that the increase in the rate is a result of estimated inflation on a yearly basis, and consideration was taken to determine what level of improvements would trigger the threshold.

Council Member Irish asked what results are being sought by adopting these changes; if they are trying to extend the amount of time to collect on the curbs and gutters.

Council Member Hamilton suggested bringing down the threshold to $15,000 to get this resolution pushed through.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Irish to accept Items No. 1-6 of the resolution, with an amendment to Item No. 2 - to increase the building permit valuation threshold from $9,638 to $15,000 over the next two years.

Resolution 129-2003 AYES: Hamilton, Irish, Stadtherr
Resolution 130-2003 NOES: West, Martinez
Resolution 131-2003 ABSTAIN: None
Resolution 132-2003 ABSENT: None

Disposition: Approved

27. CONSIDERATION OF AND REPORT REGARDING THE DEVELOPMENT OF A SKATEBOARD PARK

Conclusion: At this time, the staff will continue to seek funding and professional design services for the development of the Skateboard Park at the Veteran’s Park location. If other action should be taken, the staff should be directed by the Council to do so.

The City Manager presented the status report regarding the direction of staff’s efforts.

Mayor Pro Tem Martinez expressed his support for a Skateboard Park, but stated that he would prefer an alternate location, if it did not jeopardize the funds already acquired.

Council Member Hamilton stated that he would also like to see alternate locations.

Council Member Irish stated that after asking for the public’s opinion on the Skateboard Park, he found that 43% of the people that answered his ad stated that they were in favor of a Skateboard Park, but not in favor of the location. Based on the feedback he received, he would like to pursue a different location.
Council Member Hamilton asked if the parking lot was a requirement of the grant, to which the City Manager answered that it was an expectation of the grant.

The Community Development Director then stated that the parking lot plans were already being considered, and that the construction of the parking lot would be in conjunction with the construction of the Skateboard Park.

Council Member West questioned whether or not an alternate location could be found. He stated that he did not feel that a location could be found that provided the necessary amenities.

Mayor Irish stated that he felt that the lack of donations from the community could be a result of disapproval for the park’s location.

Mayor Pro Tem Martinez expressed his concern for the security of the grant, asking if the grant would be lost as a result of finding an alternate site.

Council Member West requested that Mr. Stowe come up to speak, and asked why the Veteran’s Park was picked initially.

Milt Stowe, Parks and Leisure Services Superintendent, stated that there were a couple of options for site locations, such as Zalud Park and near the Porterville Fairgrounds, but that Veteran’s Park was the overwhelming choice amongst skateboarders. He also stated to Council that the grant is a competitive grant and that a change in the proposed location could jeopardize the grant, and future applications for grant monies.

Mayor Pro Tem asked staff if there was a way to intensify fundraising efforts, to which the Community Development Director answered that they intend to launch an updated aggressive fundraising program.

Mrs. Burkhoff of Porterville expressed her concern for the safety of the children who currently skate in the streets and in parking lots.

At this point the Mayor opened this item up for Oral Communications.

Michael Ebaugh, 998 Highland Dr., stated that opinion polls regarding the Skateboard Park are biased, and feels that it is wrong to make assumptions about the character of skateboarders. He feels that the Veteran’s Park is a perfect location for the park, and favors aggressive fundraising.

Mike Sawyer, 550 N. Ryan Terrace, stated that he did not feel that there was an alternate location for the Skateboard Park that would provide the amenities available at Veteran’s Park.

Angelina Velasquez, 18650 Rd. 236, expressed her concerns for safety of skateboarders, stating that the current locations being used are dangerous.
Dick Eckhoff, 30 E. Oak, addressed concerns regarding possible graffiti problems at the Skateboard Park. He suggested that special efforts could be made to control graffiti, if that proved to be a problem, such as the new Graffiti Action Program, and felt that a lack of fundraising could be the result of the inability to settle on a location.

Council Member West suggested that Veteran’s Parks be selected for the location and that fundraising efforts commence.

Council Member Hamilton requested that alternate locations be presented to council.

Mayor Stadtherr then asked the City Manager if staff sought direction at this time.

Council Member West wanted to know how much more money would be required to set up the Skateboard Park at an alternate site.

The City Manager stated that he could respond to that question at this time, but that analysis costs could be brought to Council if it was so directed.

Council Member West requested that a deadline be set for staff to provide information on alternate locations, at which the City Manager suggested February of 2004.

COUNCIL ACTION  
MOVED Council Member Hamilton, SECONDED by Council Member Irish to direct staff to continue to seek funding and professional services for the development of the Skateboard Park at Veteran’s Park, and to report back to Council by February 2004 on alternate site locations. The motion carried unanimously.

Disposition: Approved

28. REPORT OF THE AD HOC ALCOHOL REGULATIONS ADVISORY COMMITTEE

Recommendation: That the City Council:
1. Select Option 3. Rescind the Interim Urgency Ordinance and take no other action at this time. Direct City Staff to integrate the proposed amendments into a future comprehensive Zoning Ordinance Update

The City Manager presented this item and staff report was present by the Community Development Director.

The Community Development Director stated that the majority of the Committee did meet to discuss these issues, and there was no consensus to be reached between the minority and the majority. There was a clear majority recommendation, but it did not consist of the two pastoral representatives.
At this point the two pastoral representatives were asked to speak.

Steve Walker, 126 W. Mulberry, Pastor at Valley Oak Community Church, stated that the disagreement with the majority pertained to the off-sale permits. His concern was without the conditional use permit the City has no say in the guidelines, and has no control over the consequences of policy violations.

John Eby, 1557 E. Olive, Pastor of the First Baptist Church, came up to thank the Council for inviting clergy to be involved with the Committee, and compliment staff on the guidance of the Ad Hoc Committee. He stated that he felt violations were more likely to occur on off-site sale locations and supports the City having control. Favors option No. 1

Brenda Gemmell, 15262 Rd. 222, stated that the ABC is requiring the Spencer trust to seek authorization from Council to re-instate their license, and does not mind applying for a conditional use permit.

Mark Hilman, 620 W. Olive, Hillman Building Designs, advised the Council to accept the recommendation of the staff and Committee majority to lift the moratorium.

Council Member Irish stated that he hopes that the development of the Ad Hoc Committee will help with the Zoning Ordinance.

Mayor Stadtherr then asked when the next comprehensive review of the Zoning Ordinance is foreseen.

The City Manager stated that it would more than likely be several years.

The City Attorney suggested to Council that they can agree that no amendment is necessary at this time, allowing the Ordinance to expire, however give direction to staff to come up with a Zoning Ordinance amendment. The moratorium would be lifted and the existing regulations would apply.

The City Manager recommended that staff bring back to the next meeting, an idea of a program on how to achieve the goals of Council prior to two years from now.

Council agreed.

COUNCIL ACTION MOVED by Mayor Stadtherr, SECONDED by Council Member Irish that Council agree no amendment is necessary at this time, allow the moratorium to expire, and allow the City Manager to present a plan to pursue the Ordinance at the next meeting. The motion carried unanimously.

M.O. 21-100703

Disposition: Approved
29. CONSIDERATION OF RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SUPPORTING A STATEWIDE BALLOT INITIATIVE TO REQUIRE VOTER APPROVAL BEFORE STATE GOVERNMENT MAY TAKE LOCAL TAXES.

Recommendation: To be determined by Council.

The City Manager presented this item to Council, and suggested Council to pursue this.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Irish that Council accept staff’s recommendation to pursue consideration of the Resolution. The motion carried unanimously.

Disposition: Approved

30. REQUEST TO CONSIDER A POLICY REQUIRING CITY BUILDINGS TO BE CONSTRUCTED TO ACCOMMODATE THE INSTALLATION OF SOLAR FACILITIES.

Staff Request: The Staff prefers to meet the October 21st time line for going to bid on the Neighborhood Center Project. At the Council’s direction effort may be undertaken to coordinate and evaluate a change order during the construction of the Center.

The City Manager presented the item.

Mayor Stadtherr then invited two people who have solar facilities within the City to speak.

Gerald Woodcock, 277 N. Connor St., expressed his content with the solar panels on his property. He informed the Council that the use of the panels has decreased his annual electricity costs from $2,600 to $814, and require little maintenance. He also stated that the systems can be costly, but that the Utilities Commission covers 50% of the costs.

Bruce Griggs, 258 W. Kanai Ave, also stated that he was pleased with the solar facilities installed on his home, and anticipated the pay-back period to be around 7 to 8 years.

Mayor Stadtherr stated that his intent with this request is to change the building enough to accommodate a Solar Facility in the future.

Diane Zetes, 21919 Ave. 168, advised Council to also consider Zero Energy Construction as an option.
Council Member Hamilton stated that he felt that it was too late to consider this option for the current project of the Neighborhood Center Project, but that this is something to look into on future projects.

Mayor Stadtherr asked if considering Solar Panels on the project would hold up the process.

The City Manager stated that it may be possible to potentially negotiate a change order during the course of bidding and award.

Council Member Irish suggested researching the possibility of grant money for the implementation of Solar Facilities.

The Community Development Director stated that he believed it was not possible to effectuate a change like this without affecting the time frame, and that this type of accommodation may not be as simple as Council believes.

The City Manager suggested that staff have the architect provide additional information, with the limitation that such action would not affect the bid or award date.

Mayor Pro Tem Martinez stated that he would like to see the Neighborhood Center Project left as is, and look at the use of Solar Facilities for future projects.

Mayor Stadtherr suggested directing staff to make Solar Planning an active part of any future building sites.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West to make Solar System facilities a consideration for future city buildings where applicable. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS

There were no oral communications.

OTHER MATTERS

Council Member Irish thanked staff for being responsive to the 4-way stop situation at Westfield and Newcomb.

Council Member Hamilton thanked Pastor Eby for being a willing participant in the Ad Hoc Committee, and also recognized Linda Clark’s for her involvement with the Walk For Life Fundraising Event.
St. James Place was delayed by the prevailing wage issues and a lack of performance by the consultant, but is currently progressing per the Community Development Director.

Mayor Pro Tem Martinez recommended sending gifts (i.e. City Caps, Jerky, etc.) to the town’s military personnel overseas on behalf of the council.

CLOSED SESSIONS

23b. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR, AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUPS: PORTERVILLE POLICE OFFICERS ASSOCIATION, PORTERVILLE CITY EMPLOYEES ASSOCIATION, AND PORTERVILLE CITY FIREFIGHTERS ASSOCIATION. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54956.9 – PENDING LITIGATION (ONE CASE). CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: BRAD MAPLES AND STEVE ALLEN V. CITY OF PORTERVILLE, ET AL.

Mayor Stadtherr adjourned the Council at 10:30 pm to the Closed Sessions. The Council reconvened from the Closed Sessions at 11:25 pm.

ADJOURNMENT

Mayor Stadtherr adjourned at 11:25 pm to the meeting of October 21, 2003.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera,

SEAL

Richard Stadtherr, Mayor